

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45996 of 2021

Arising Out of PS. Case No.-80 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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1. HUSSAIN @ HUSSAIN ANSARI S/o NASIR ANSARI, R/o MOHALLA-KALIBAG, GARWAN TOLI, P.S-BETTIAH TOWN (KALIBAG O.P.), DISTRICT-WEST CHAMPARAN.
 2. RUSTAM @ RUSTAM ANSARI S/o SAGIR ANSARI, R/o MOHALLA-KALIBAG, GARWAN TOLI, P.S-BETTIAH TOWN (KALIBAG O.P.), DISTRICT-WEST CHAMPARAN.
 3. SAGIR MIAN S/o FIDA HUSSAIN @ KUTUMB, R/o MOHALLA-KALIBAG, GARWAN TOLI, P.S-BETTIAH TOWN (KALIBAG O.P.), DISTRICT-WEST CHAMPARAN.
 4. MD. MERAJ @ MERAJ KASAI S/o BHIKHARI KASAI, R/o MOHALLA-KALIBAG, GARWAN TOLI, P.S-BETTIAH TOWN (KALIBAG O.P.), DISTRICT-WEST CHAMPARAN.
 5. SUHAIL @ TAMATAR S/o SHAHNAWAZ KHAN, R/o MOHALLA-KALIBAG, GARWAN TOLI, P.S-BETTIAH TOWN (KALIBAG O.P.), DISTRICT-WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	: Mr. Md. Anis Akhtar Mr. Arif Daula Siddiquie Mahtab Alam
For the Opposite Party/s :	Mr. Bharat Bhushan

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 15-04-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well

as the learned Additional Public Prosecutor for the State through

video conferencing.



At the very outset, the learned counsel for the petitioners has submitted that during the pendency of this criminal miscellaneous petition, petitioner nos. 2, 3 and 5 have been arrested, as such, this criminal miscellaneous petition has become infructuous with respect to them.

In view of aforesaid submission, this criminal miscellaneous petition is **dismissed as infructuous with respect to petitioner nos. 2, 3 and 5.**

So far as petitioner nos. 1 and 4 are concerned, they apprehend their arrest in connection with Bettiah Town (Kalibag O.P.) P.S. Case No. 80/2021 registered for offence punishable under section 414 of the Indian Penal Code, sections 11(i) (A), (B), (E), (D) of the Prevention of Cruelty to Animals Act, 1960.

As per allegation, the police party got a confidential information that some smugglers of cattle had brought some stolen cattle in Garwan Toli. Police raided that place and the accused persons became successful in running away taking benefit of dark. The villagers assembled and named the petitioners and apprised that they are smugglers of cattle.

The learned counsel for the petitioners has submitted that the petitioners are innocent and there is no serious allegation against them. He has also submitted that it is true that



petitioner no. 1 has a criminal antecedent of five cases and petitioner no. 4 has a criminal antecedent of three cases, but only one case, in criminal antecedent, is similar to the present case. He has also submitted that there is nothing on the record, which shows that the cattle were stolen one, as such, section 414 of the Indian Penal Code is not applicable.

Considering the above-mentioned facts and circumstances, specially the criminal antecedents of petitioners, I do not think it a fit case for anticipatory bail and accordingly, **the prayer for anticipatory bail of petitioner nos. 1 and 4 is hereby rejected.**

Office shall ensure that all defects are removed by the petitioners within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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