

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.47650 of 2022**

Arising Out of PS. Case No.-95 Year-2022 Thana- JHANJHARPUR District- Madhubani

1. Md. Tuntun Ansari @ Md. Tunnu Son Of Jafiruddin R/O Village- Bans Bigha, P.S.- Aungari In The District Of Nalanda
2. Mantu Sapera @ Mantu Safera Son Of Bhutali Safera @ Bhutali Sapera R/O Village- Bans Bigha, P.S.- Aungari In The District Of Nalanda

... .. petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the petitioners/s : Mr. Sunil Kumar, Advocate
For the Opposite Party/s : Mr. Akhileshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 09-12-2022 Learned counsel for the petitioners will remove all the defects as pointed out by office within two weeks from today.

Heard learned counsel for the petitioners and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Jhanjharpur P.S. Case No. 95 of 2022 registered for the offences punishable under Sections 279, 379, 420/34 of the Indian Penal Code and Section 3, 4, 4B of Bihar Animal and Preservation and Improvement Act, 1955 and Section 11 of Prevention of Cruelty Act, 1960. They are in custody since 21.05.2022. The petitioners have got no criminal antecedent.

As per the prosecution story, on 20.05.2022 while the



informant was going to Jhanjharpur to participate in the matter relating to animals then she saw one vehicle loaded with animals was being driven carelessly, thereafter she informed the police and total nine buffaloes were seized from the vehicle. The informant further stated that the accused persons did not produce any paper regarding the animals. The informant has alleged that the accused persons are the members of animal smuggling gang and buffaloes were stolen property.

Learned counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. It is submitted that the petitioners are said to be the driver and owner of the said animals, however, they are in custody in connection with this case since 21.05.2022.

Mr. Akhileshwar Dayal, learned APP for the State is present and has opposed the prayer for regular bail of the petitioners.

Having regard to the submission that the petitioners are said to be the driver of the vehicle and owner of the buffaloes and are businessmen and in connection with the offence alleged they are in custody since 21.05.2022 having no criminal antecedent, this Court directs release of the petitioners above named on bail on furnishing bail bond of Rs. 25,000/-



(Rupees Twenty Five Thousand only) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Jhanjharpur, Madhubani in connection with Jhanjharpur P.S. Case No. 95 of 2022, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take steps for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Certified copy of this order shall be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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