

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57939 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- KESARIA District- East Champaran

1. Ibne Hasan @ Ibnehasan S/O Anwar Hussain R/O- Bhojpur Jama Masjid, P.S.- Bhojpur District- Muradabad
2. Saleem Son Of Ali Hasan R/O- Nagaliya Adkil, P.S.- Ajimn Nagar, District- Rampur(Uttar Pradesh)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-12-2022 Heard learned counsel for the petitioners and learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners are apprehending their arrest in a case registered for the offences punishable under Sections 414 and 34 of the Indian Penal Code, Sections 11(a) (b) (c) (d) (i) (n) (k) of the Prevention of Cruelty to Animal Act, 1960 and Sections 46, 47, 48, 50, 51 and 96 of the Transport of Animal Rules, 1978.

According to the prosecution case, all the accused persons were carrying animals in cruel condition from Uttar



Pradesh to Assam in containers for smuggling. They were caught by the police and on demand of papers with respect to animals, they did not reply satisfactorily.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that the petitioners are not apprehended at the spot. He further submits that the names of the petitioners are transpired on the basis that they are the owner of the vehicle in question. He further submits that during investigation, except the fact that they are the owner of the vehicle in question, no other cogent material has come against the petitioners. He further submits that the petitioners have no role at all in the present occurrence. He further submits that the vehicle in question was commercial vehicle so the petitioners have no control over them to hand over to reasonable person and they have hand over the vehicle in question to the drivers of the vehicles and they have carried the illegal act.

The learned counsel for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days



from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Kesariya P.S. Case No. 50 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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 his criminal antecedent, the court below shall take step 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.

4. One of the bailor should be the father of the petitioners.

(Rajesh Kumar Verma, J)

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