

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3579 of 2023

Arising Out of PS. Case No.-117 Year-2022 Thana- MUFFASIL District- Aurangabad

Mokhtar Khan Son Of Rashid Khan R/O Vill.- Khaira, P.S.- Dumariya, Distt.-
Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Tribhuvan Narayan, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner in the present case is seeking pre-arrest bail in connection with Muffasil P.S. Case No.- 117 of 2022 registered for the offences punishable under Sections 144, 146, 148, 149, 153(A), 279, 295(A), 351, 353, 307, 379, 393, 414, 428, 429, 120(B) of the Indian Penal Code and Sections 3, 4, 4(B) of the Bihar Preservation and Improvement of Animal Act and Section 11 of the Prevention of Cruelty to Animals Act. He has got no criminal antecedent.

As per the prosecution story, the informant got a tip-off about the illegal transportation of animals. Acting upon the same when the informant and his associates reached there, they signaled to stop the said container-truck but instead of stopping, the driver made an attempt to escape at high speed. The driver



fled away leaving behind the container in which forty seven animals were in a cruel and miserable condition.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner is the driver of the container truck and he had negotiated the fare with the trader to carry the animals from Varanasi to West Bengal and thereafter the trader had hired him to carry the animals on the said container truck. He further submits that he has been made victim of the circumstance and has been dragged in this case merely because he was the driver of the said container truck.

Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

Having regard to the facts and circumstances of the case, wherein this petitioner is said to be a driver of the container truck and has no criminal antecedent, the owner is not present before this Court, in these circumstances, this Court directs release of the petitioner above named on bail in the event of his arrest or surrender within a period of four weeks from today in connection with Muffasil P.S. Case No.- 117 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned C.J.M., Aurangabad, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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.

This application stands allowed.

(Rajeev Ranjan Prasad, J)

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