

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6238 of 2023

Arising Out of PS. Case No.-572 Year-2017 Thana- KATIHAR NAGAR District- Katihar

1. MD. MUKHTAR Son of Md. Israil R/V- Kewala, P.S- Prampur, Dist- Katihar
2. Md. Sakur son of Bajiruddin R/V- Kewala, P.S- Prampur, Dist- Katihar
3. Md. Mojammit Son of Md. Bahar Ali R/V- Kewala, P.S- Prampur, Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir, Advocate.

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 17-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

At the outset, learned counsel for the petitioners seeks permission to withdraw the application with regard to the petitioner no. 3 as the petitioner no. 3 has been arrested.

Permission is accorded.

Accordingly, the application with regard to the petitioner no. 3 stands dismissed as withdrawn.



The rest of the petitioners are apprehending their arrest in connection with Town P.S. Case No. 572 of 2017 registered for the offences punishable under Section 414 of the Indian Penal Code and Section 4/4B (I)(II) of the Bihar Animal Safety and Development Act.

As per the prosecution case, 20 cattle were recovered from a truck bearing registration No. BR10G5740. The said cattle were being taken to West Bengal for selling.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners are not named in the F.I.R.. During the course of investigation, the name of the petitioners have sprung up. Learned counsel further submitted that the out of twenty cattle only two belonged to the petitioners, which was being taken by them. Learned counsel further submitted that no case is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioners.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be



enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Katihar, District- Katihar in connection with Town P.S. Case No. 572 of 2017, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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