

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14848 of 2023

Arising Out of PS. Case No.-198 Year-2022 Thana- VIJAYEPUR District- Gopalganj

MD. JUNAD @ MD. JUNAID @ JUNAID AHMAD Son of Bade Babu
Resident of village - Pithapur, P.S.- Ahiraula, District - Azamgarh, Uttar
Pradesh

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Advocate

For the Opposite Party/s : Mr.Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 29-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is apprehending his arrest in a case registered under Sections 341, 323,, 307, 353, 279, 337, 338, 414 and 34 of the Indian Penal Code, Sections 30(a), 41, 45 of the Bihar Prohibition and Excise Act, 2016, Sections 3 and 4 of Prevention of Damage to Public Property Act and Sections 11 and 12 of the Prevention of Cruelty to Animal Act.

The prosecution case, in short, is that on seeing the police conducting the search, the driver of the truck started fleeing away and fallen in a ditch and on search made by the police, 20 cows and 4 calves are recovered out of which 13 were dead. On further search made by the police party, 9 liters



wine is recovered.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. It is alleged that 9 liters wine is recovered from the truck. The truck in question does not belong to the petitioner. The name of the petitioner has transpired on the basis of disclosure made by the co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in Criminal Appeal No. 626 of 2022 (Sweta Kumari versus State of Bihar).

On behalf of the State, it is submitted that the petitioner is named in the F.I.R./complaint case.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Court below/concerned Court in connection with Vijaipur P.S. case No. 198 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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