

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25554 of 2023

Arising Out of PS. Case No.-159 Year-2023 Thana- BIHTA District- Patna

1. Farinder Singh Son Of Dayashankar Singh Resident Of Village- Daudi , Ps-
Jamania, Distt- Gajipur , Up
2. Aditya Kumar Yadav Son Of Bhagwan Yadav Resident Of Village- Dahala,
Ps- Durgawati, Distt- Bhabhua
3. Shambhu Yadav Son Of Chulaho Yadav Resident Of Village- Basbitha, Ps-
Dhurria, Distt- Banka
4. Chandan Kumar Son Of Suresh Nut Resident Of Village- Bhataulia, Ps-
Buxar, Distt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lal Babu Singh, Advocate
For the Opposite Party/s : Mr. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-05-2023 Heard learned counsel for the petitioners and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioners seek bail in
connection with Bihta P.S. Case No. 159 of 2023 registered on
16.02.2023 for the alleged offences under Sections 414 of the
Indian Penal Code, Section 11(1) (a) (d) (e) (i) (k) of the
Prevention of Cruelty to Animals Act, 1960, Sections 47(a), 48,
52, 54(a) (b), 55 of the Animal Transport Rule, 1978 and Section
03 of Bihar Animal Prevention & Improvement Act, 1955.



04. As per prosecution case, police apprehended the petitioners while they along with other co-accused persons were trafficking animals on three trucks without any paper. Some other co-accused, who are said to be owners and drivers of the trucks, fled away from the spot when the petitioners were apprehended.

05. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. The petitioners were performing their duties on instruction of their owners and were not aware whether cattle were stolen or not. Moreover, the number of cattle seized show the same were for the purpose of business and were not stolen and at the same time none has come forward to claim the ownership of cattle. No offences as alleged in the FIR is made out against the petitioner. There would be no application of Section 414 of the IPC and it has not been shown that the cattle were stolen property and for offences under other provisions of law, the maximum punishment is of six months only. The petitioners are in custody since 16.02.2023 and charge-sheet has been submitted.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the nature of allegation and lack of material against the petitioners to



connect them with the offences as alleged and further considering period of custody of the petitioners along with submission of charge sheet, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-I, Danapur, Patna in connection with Bihta P.S. Case No. 159 of 2023 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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