

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25849 of 2023

Arising Out of PS. Case No.-157 Year-2021 Thana- BETTIAH CITY District- West
Champaran

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MANOJ KUMAR @ MANOJ MALIK SON OF RAJENDRA MALIK
Resident of Mohalla - Nauranga Bagh, P.S. - Bettiah (Town) District - West
Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta
For the Opposite Party/s : Mr.Rajiv Nayan

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-07-2023 Heard the learned counsel for the petitioner and the learned
A.P.P. for the State.

This is an application for grant of anticipatory bail in connection with Bettiah Town (Kalibagh O.P.) P.S. Case No. 157 of 2021 registered for the offence punishable under Sections 295(A), 429 of the Indian Penal Code and Section 11(B) of the Prevention to Animal Cruelty Act.

The allegation is that while the informant along with his police force was on patrolling duty, he received some secret information, whereafter he along with his police force had reached at the alleged place of occurrence on the alleged date and time, whereupon the informant saw that one Magic Garbage vehicle of the Nagar Parishad was standing and the people, who



had assembled there, were raising objection regarding the articles kept in a bag, which appeared to be pieces of meat and subsequently, on enquiry, it transpired that seven bags of beef had been kept in the said vehicle.

The learned counsel for the petitioner submits that the petitioner is innocent, he has been falsely implicated in the present case and he is having a clean antecedent. The learned counsel for the petitioner has further submitted that the petitioner is the driver of the Magic garbage vehicle of the Nagar Parishad and he was in the process of collecting garbage along with other employees of the Nagar Parishad, hence, he was not knowing as to what had been thrown as garbage, thus, he be granted the benefit of doubt and be admitted to the privilege of bail.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner, taking into account the materials available on record as also considering the fact that the petitioner is merely the driver of the garbage vehicle of the Nagar Parishad, apart from the fact that he is having a clean antecedent, I deem it fit and



proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, the petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, in connection with Bettiah Town (Kalibagh) P.S.Case No. 157 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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