

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28589 of 2023

Arising Out of PS. Case No.-138 Year-2022 Thana- SHIVSAGAR District- Rohtas

RIZWAN KHAN @ MUNNA KHAN Son of Late Razique Khan Resident of
village-Bajakar, Post Office-Sarwan Bazar, Police Station-Barachatti, District-
Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-07-2023 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 Shivsagar P.S. Case No. 138 of 2022
registered for the offences punishable under Sections 279, 295(A),
379, 414, 420, 429, 120(B), 34 of the Indian Penal Code and under
Section 4, 4(B) of Bihar Animal Preservation and Improvement
Act, 1955 and Section 11 of the Animal Cruelty Act, 1960. He has
six criminal antecedents as stated in paragraph '3' of the
application.

As per the prosecution story, the informant has alleged
that the petitioner and other co-accuse were smuggling the Bull,
Ox and Cow by truck for purpose of slaughter house. The said
animals were kept in the container of the truck in which some of
the animals were found dead, hence the present case has been



lodged under the aforesaid sections.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that petitioner has no concern with the alleged vehicle and seized cattle. Petitioner is neither purchaser nor seller of the said cattle as also nothing incriminating article has been recovered from possession of this petitioner.

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

Having regard to the seriousness of the allegations in which it is alleged that these nine animals died because of cruel act of the petitioner and the allegations showing his involvement in animal smuggling, this Court is not inclined to grant him privilege of anticipatory bail.

Prayer for anticipatory bail of the petitioner is, thus, refused.

In case, the petitioner surrenders in the learned court below and prays for regular bail within a period of four weeks from today, his prayer for regular bail shall be considered on its own merit without being prejudiced by the order of this court.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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