

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32984 of 2023

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

SAHBAZ ASHRAF SON OF MAQSOOD ALAM RESIDENT OF
VILLAGE BAJARKAR, PS -BARACHATTI, DISTT -GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shashikant, Adv.

For the Opposite Party/s : Mr.Umeshanand Pandit, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-07-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 279/295 (A)/379/414/420/429/120(B) and 34 of the Indian Penal Code, Section 4, 4(B) of Bihar Animal Preservation and Improvement Act, 1955 and Section 11 of Animal Cruelty Act, 1960.

3. Allegedly, petitioner, along with other accused persons, is said to have been indulged in smuggling of cattle for the purpose of slaughter.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The



allegation levelled against the petitioner is not specific rather general and omnibus in nature. Nothing has been recovered from the physical possession of the petitioner. He was not apprehended on the spot. His name has been transpired in the present case merely because he is driver of the seized vehicle. Petitioner is neither purchaser nor seller of the cattle. It is further submitted that petitioner has no concern with the seized cattle rather all the seized cattle were purchased by one Tabis Raja from one Aurangjeb Kuraishi in Pashu Mela, Sieri, Chainpur, Kaiur. Similarly situated co-accused, who is owner of the siezed vehicle, has been enlarged on bail by this court vide order dated 06.07.2023 passed in Cr. Misc. No. 18082 of 2023. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, as there is no specific overt act against the petitioner, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court



below where the case is pending/successor Court in connection
with Shivsagar P.S. Case No. 138 of 2022, subject to the
condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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