

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35487 of 2023

Arising Out of PS. Case No.-722 Year-2022 Thana- RAMPUR District- Gaya

Md. Gyasuddin Khan @ Gyasuddin @ Gyas @ Md. Ghayas Uddin Khan Son
of Md. Nasiriuddin Resident of Village- Khap, Cherki, PS- Bodh Gaya
(Cherki O.P.), District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Adv.

Mr.Prashant Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 17-08-2023 Heard the parties.

2. Petitioner apprehends his arrest in connection with Rampur P.S. Case No.722 of 2022, registered for the offence punishable u/s 414, 379/34 of the IPC, sections of the Bihar Preservation and Improvement of Animals Act, 1955 and u/s (i) (d)(e)(f) of Prevention of Cruelty to Animals Acts 1960.

3. As per the prosecution case, the accused persons are involved in purchase and sell of stolen cattle. It is alleged that after an accident of truck of the petitioner, ten dead cattle and fourteen alive cattle were found on the said truck. The injured driver disclosed that petitioner is the owner of the truck.

4. It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has committed no offence. His name transpired in this case only on the basis of



disclosure of the injured driver that petitioner is the owner of the truck. No incriminating article has been recovered from the conscious physical possession of the petitioner. Though petitioner is the owner of the said truck but his truck was hired for transporting cattle to cherki, Gaya which had been purchased by local people of Cherki from *Pashu Haat Mela*. Petitioner has no criminal antecedent.

5. Learned APP for the State opposed the prayer for bail by submitting that petitioner being the owner of the truck had full knowledge that driver was involved in the alleged illegal act.

6. Having regard to the facts and circumstances of the case and considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. The prayer for grant of anticipatory bail on his behalf is hereby rejected.

7. This application is accordingly dismissed.

8. However, petitioner is at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering that petitioner has no criminal antecedent.

(Anjani Kumar Sharan, J)

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