

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38468 of 2022

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

1. SHAMSHER KURAISHI Son of Munif Kuraishi @ Madhu Kuraishi Resident of Village - Khurmabad, P.S.- Chenari, District - Rohtas, Bihar.
2. Sobrati @ Subrati Kuraishi Son of Late Mohhammad Kuraishi Resident of Village - Muradabad, P.S.- Sasaram Muffasil, District - Rohtas, Bihar.
3. Tabis Raja Son of Mansur Alam Resident of Village - Kalwan Sihuli, P.S.- Amas, District - Gaya, Bihar.
4. Nasim Kuraishi Son of Late Jalil Kuraishi Resident of Village - Hariharganj, P.S.- Nasariganj, District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh

For the Opposite Party/s : Mr.Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 03-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners seek regular bail in connection with Shivsagar P.S. Case No. 138 of 2022 registered for the offence under Sections 279, 295(A), 379, 414, 420, 429, 120B/34 of the IPC, Section 4(B) of the Animal Protection and Safety Act and Section 11 of the Animal Cruelty Prevention Act.

Allegation against the petitioners that they were smuggling several animals from three different vehicles and during cheaking the same has been seized.



Learned counsel for the petitioners submits that the petitioners are innocent and have committed no offence. A statement has been made in para 3 of the petition that the petitioners have got no criminal antecedent. They have falsely been implicated in this present case at the instance of the police at belated stage that too without any valid and cogent material to suggest their complicity. It is further submitted vide para 9 and 10 of the petition that section 4, 4B of Bihar Animal Preservation & Protection Act and Section 11 of the Animal Prevention of Cruelty Act are bailable. All sections of IPC are bailable except section 379 and 420, which are not applicable in the present case. It is further submitted that the petitioners are languishing in judicial custody since 16.4.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Shivsagar P.S. Case No. 138 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Chief



Judicial Magistrate cum Sub Judge-6, Rohtas at Sasaram.

(Sunil Kumar Panwar, J)

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