

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41276 of 2023

Arising Out of PS. Case No.-537 Year-2022 Thana- MAJHAULIA District- West Champaran

Chhote Khan Son Of Hafij Khan Resident Of Village- Piparpati, Shivrajpur,
Ps- Yogapatti, District- West Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner, in the present case, is seeking pre-arrest bail in connection with Majhauilya P.S. Case No. 537/2022 registered for the offences punishable under Sections 279, 429, 412, 413, 414 of the Indian Penal Code and Section 11(D)(E)(F) of Prevention of Cruelty to Animal Act. He has no criminal antecedent as stated in paragraph '3' of the application.

3. As per the prosecution story, the informant, who is the S.I. of Police at Majhauilya Police Station, has alleged that while he got information that a vehicle loaded with cattles for purpose of animal smuggling was collided with diversion on the road and some cattles have died, he reached there and found some persons are trying to pull out the vehicle and cows from



the pit. On search, seven cows were recovered in very miserable condition. During investigation, it was found that the said cattles were being transported to another area for smuggling and the owner of the vehicle is Mistar Khan.

4. Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case. Learned counsel submits that the petitioner is the driver of the vehicle and the owner of the vehicle has already been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 7876/2023.

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

6. Having regard to the submission that the vehicle in question has met with an accident in which two animals died, this petitioner is the driver of the vehicle and the owner of the vehicle has already been granted privilege of anticipatory bail by a learned coordinate Bench of this Court in Cr. Misc. No. 7876/2023, the petitioner has otherwise no criminal antecedent, hence, this Court directs that in case of his arrest/surrender within a period of four weeks from today, let the petitioner above-named be enlarged on bail on furnishing of bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like



amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Majhauriya P.S. Case No. 537/2022, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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