

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46776 of 2023

Arising Out of PS. Case No.-97 Year-2023 Thana- GOPALPUR District- Gopalganj

1. JUNAB SAH S/O MUKHTAR SAH R/O VILLAGE- AHIRAU LI,
DUBAULI TOLA TAKIYA, PS. GOPALPUR, DIST. GOPALGANJ,
BIHAR
2. MEHTAB ALI S/O SAHID HUSSAIN R/O VILLAGE- GEDA I TA
SRIRAM, PS. TAMKUHIRAJ, DIST. KUSHINAGAR, UTTAR PRADESH

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Indrajeet Bhushan, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with
Gopalpur P.S. Case No. 97 of 2023 registered for the offence
under Sections 379, 413, 414 and 34 of the Indian Penal
Code and Section 11(D)(F) of the Prevention of Cruelty to
Animal Act.

The petitioners are alleged to have been
apprehended by the police while they were carrying the
cattle for their sale. It is alleged that the petitioners are
involved in illegal trafficking of cattle.

Learned counsel appearing for the petitioners



submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that petitioner No.2 happens to be the absolute owner of the cattle in question after purchasing them from the Lauban Pasu Mela, a receipt to that effect has already been annexed as Annexure-2 to this application. He further submits that the petitioners are not involved in illegal trafficking of any cattle in any manner. The petitioners are rotting in judicial custody since 28.05.2023.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st, Class, Gopalganj in connection with Gopalpur P.S. Case No. 97 of 2023 with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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