

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53787 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- JOGAPATTI District- West Champaran

Afsar Khan @ Md. Afsar Ali Son of Aurangjeb Khan Resident of village -
Piparpatti, P.S. - Yogapatti, Distt. - West Champaran at Bettiah

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arbind Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 19-08-2023 Heard the learned counsel for the petitioner and the

State.

2. The petitioner seeks bail, apprehending his arrest, in connection with Yogapatti P.S. Case No. 163 of 2023, registered for the offences punishable under Sections 413 and 414 of the Indian Penal Code and Section 11(1)(a)(d)(k) of the Prevention of Cruelty to Animals Act, 1960.

3. As per the FIR, the allegation is that five oxen tied were recovered from a pickup van. It is alleged that on seeing the police, the petitioner and one Akhtar Khan escaped away from the scene.

4. Ld. counsel for the petitioner submits that the petitioner had purchased the alleged recovered animals for the farming purpose, for which purchase receipts have also been



issued, which have been brought on record as Annexure-2 and 3. It is further submitted that the police has lodged this false case only on account of non-fulfillment of illegal demand of money.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier for anticipatory bail in this case.

6. It has further been stated that the petitioner has no criminal antecedent.

7. However, the learned APP for the State has opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. CJM, West Champaran, Bettiah, in connection with Yogapatti P.S. Case No. 163 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the



learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

9. The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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