

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54783 of 2022

Arising Out of PS. Case No.-43 Year-2021 Thana- DAUDNAGAR District- Aurangabad

1. MD. AFSAR Son of Md. Jahangir Resident of Village - Pirahi Bag, Madarsa Islamiya , Ward No.15, Daudnagar, Aurangabad, P.S.- Daudnagar, Dist- Aurangabad Bihar, Pin code- 824143
2. MD. ASHRAF IMAM @ MD. ASHRAF Son of Md. Jahangir Resident of Village - Pirahi Bag, Madarsa Islamiya , Ward No.15, Daudnagar, Aurangabad, P.S.- Daudnagar, Dist- Aurangabad Bihar, Pin code- 824143
3. SABBAN QURAISHI @ SABAN QURAISHI Son of Rashid Quraishi Resident of Village - Pirahi Bag, Madarsa Islamiya , Ward No.15, Daudnagar, Aurangabad, P.S.- Daudnagar, Dist- Aurangabad Bihar, Pin code- 824143
4. BABLU QURAISHI Son of Rashid Quraishi Resident of Village - Pirahi Bag, Madarsa Islamiya , Ward No.15, Daudnagar, Aurangabad, P.S.- Daudnagar, Dist- Aurangabad Bihar, Pin code- 824143

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Kishan, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 18-01-2023 Heard Mr. Kumar Kishan, learned counsel for the petitioner and Mr. Jitendra Kumar Singh, learned APP who represents the State.

Let the defect(s), if any, as pointed out by the office, be removed within four weeks.

The petitioners are apprehending arrest in connection with Daudnagar P.S. Case No. 43 of 2021 under sections 429, 34 of the Indian Penal Code and Section 11, 20 and 30 of the Prevention of Cruelty to Animal Act, 1960 and Section 3 and 4 of Bihar Preservation and Improvement of Animal Act, 1955 and Section 7 and 15 of Environment



Protection Act, 1986.

As per the prosecution, the Police Officer upon secret information raided a place near a graveyard and recovered/seized the skin of slaughtered cows, buffalo and other animals as also intestine of some big endangered species and upon enquiry, the name of these accused persons came into picture. Accordingly, the FIR.

Learned counsel for the petitioners submit that omnibus allegation on the basis of enquiry has been made against them and nothing tangible had come against them.

Further submission is that all of them are young boys and have no criminal antecedents.

The last submission is that similar placed co-accused have since been extended the relief of anticipatory bail vide Cr. Misc. No. 59271 of 2022 on 21.11.2022 by a coordinate bench of this Court.

The learned APP on the other hand submits that there is huge recovery of animal skin as also endangered species and in that backdrop, they do not deserve bail.

Taking into account the fact that the petitioners have not been seen on the place of occurrence, the allegation has come only on the basis of enquiry, further as stated in para-3,



none of them are having criminal antecedents, similar placed co-accused have since been granted the privilege of anticipatory bail, this Court is also inclined to extend them privilege of anticipatory bail.

Let the petitioners be released on bail, in the event of their arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad, Bihar, Daudnagar P.S. Case No. 43 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further following condition:

(i) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their attendance;

(ii) if the petitioners commit any further crime again, the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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