

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57842 of 2023

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

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MABOOB ALAM @ MAHBUB ALAM S/O - LATE ABDUL RASHID R/O
VILLAGE - HESLA, P.S. - BAGODAR, DISTRICT- GIRIDIH
(JHARKHAND).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 18-10-2023 Heard Mr. Bhaskar Shankar, learned counsel for the

petitioner and Mr. Abhay Kumar, learned APP for the State.

2. The petitioner is apprehending his arrest connection with Shivsagar P.S. Case No. 138 of 2022, F.I.R. dated 15.04.2022 registered for the offences punishable under Sections 279, 295(A), 379, 414, 420, 429, 120(B), 34 of the Indian Penal Code, Sections 4, 4(B) of Bihar Animal Preservation and Improvement Act, 1955 and Section 11 of Animal Cruelty Act, 1960.

3. The prosecution case, in short, is that the petitioner and other co-accused were smuggling the Bull, Ox and cow by truck bearing no. NL-01-AB-1693, HR-39C-4380 and NL 01-AB-8505 for the purpose of slaughter house. The said animals were kept in container of the above trucks in which some



animals were found dead.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner was not present at the place of occurrence and he has been made accused on the ground that he is the owner of one of the apprehanded trucks. He further submits that he has no concern at all with the present occurrence and truck in question is with the driver and co-driver and he has no knowledge about the present occurrence. He further submits that co-accused person namely Md. Salauddin Khan @ Bhola Khan has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 06.07.2023 passed in Cr. Misc. No. 18082 of 2023, another co-accused person namely Sahbaz Ashraf has been granted the privilege of anticipatory bail by a Coordinate Bench of this Court vide order dated 31.07.2023 passed in Cr. Misc. No. 32984 of 2023.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner carries one more case other than the present one but fairly submits that the petitioner is



on bail in the pending case.

6. Considering the facts and circumstances of the case, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Rohtas at Sasaram in connection with Shivsagar P.S. Case No. 138 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions :-

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

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

(3) 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.

(Rajesh Kumar Verma, J)

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