

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.61532 of 2022**

Arising Out of PS. Case No.-69 Year-2022 Thana- CHHAURADANO District- East  
Champaran

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1. Sharavanath Prasad @ Sharamanath Son Of Late Kishundeo Ray R/V- Parsa, P.S- Chhauradano ( Mahuaa), Dist- East Champaran (Motihari)
  2. Nawal Kishore Sah @ Kishore Sah Son Of Hira Sah R/V- Mahuawa, P.S- Chhauradano ( Mahuaa), Dist- East Champaran (Motihari)

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through S.S.B. Commandant Govt. of India

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Anshu Dhar Sharma, Advocate  
For the Opposite Party/s : Mr.Choubey Jawahar, A.P.P

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH**

ORAL ORDER

3      04-02-2023                      Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned  
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in a case registered for the offences punishable u/s 414 of the Indian Penal Code and Section 11 (i)(a)(d) of the Cruelty to Animal Act.

As per prosecution case, two buffaloes and one calf were being taken to Nepal. On seeing the police, two persons



started fleeing away but one person was apprehended by the police who disclosed his name as Jyoti Narayan Prasad Yadav and he also disclosed the name of the petitioners, namely, Sharavanath Prasad and Nawal Kishore Sah who fled away.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. The petitioners have no criminal antecedent as stated at para 3 of the bail petition. Nothing has been recovered from the conscious possession of the petitioner. The petitioners are named in the F.I.R. . The name of the petitioners have sprung up on the basis of the discloser of the co-accused Jyoti Narayan Prasad Yadav.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioners.

Considering the aforesaid facts and circumstances of the case, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Court concerned, Raxaul at Motihar, East Champaran in connection with Chhauradano P.S. Case No. 69 of 2022, subject to conditions as laid down under Section 438(2) of the Code of



Criminal Procedure, with a condition:-

1. 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.

This application stands allowed.

**(Chandra Prakash Singh, J)**

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