

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61362 of 2023

Arising Out of PS. Case No.-502 Year-2023 Thana- BARACHATTI District- Gaya

1. Harendra Yadav (M) aged about 45 years, son of Late Shiv Nath Yadav, resident of Village and P.O- Mahuar, P.S- Shahpur, Distt.- Bhojpur.
2. Hare Ram Yadav, (M), aged about 35 years, son of Ram Chandra Yadav, resident of Village-Karhatand, P.S.- Simri, Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 13-12-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners apprehend arrest in connection with Barachatti PS Case No.502 of 2023 dated 26.05.2023, instituted under Sections 414, 429 of the Indian Penal Code, Section 3/4/4(b) of the Bihar Prevention & Improvement of Animals Act, 1955 and Section 11 of the Prevention of Cruelty to Animal Act, 1960.

3. The prosecution case, in brief, is that the informant got information that illegal cattle is being transported through NH 02 and on getting this informant he along with his workers reached at NH 02 and found that many trucks are carrying cattle



and they are going towards Jharkhand. The informant gave telephonic information to the police and thereafter the trucks were stopped near Dobhi but the drivers and the persons sitting in the trucks fled away.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is submitted that the petitioner no. 1 is the owner of the truck bearing registration no. BR 03 GA 9439 and the petitioner no. 2 is the driver of the said truck. It is also submitted that the petitioners being the owner and driver of the vehicle used to carry the goods and animals to a specified destination upon getting payment of the consignment amount and they are not concerned with the alleged crime. Even loading and unloading of the animals are the responsibility of the owners of the cattle. There is no independent witness to support the allegation against the petitioners. Lastly, it is submitted that the petitioners have no criminal antecedents.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon



furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned ACJM-II, Sherghati, Gaya, in Barachatti PS Case No.502 of 2023, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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