

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61324 of 2023

Arising Out of PS. Case No.-230 Year-2023 Thana- CHAKAI District- Jamui

Chandan Kumar S/O Bharat Prasad Yadav R/O Village- Damodarpur, Ps.
Halsi, Dist. Lakhisarai Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Kumari Sujata Sinha, Advocate

For the Opposite Party/s : Mr.Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-10-2023 Heard Mrs.Kumari Sujata Sinha, learned counsel for
the petitioner and Mr.Ram Anurag Singh, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Chakai P.S.Case No.230 of 2023, FIR dated 15.07.2023 registered for the offences punishable under Sections 379/411,414 of IPC, Sections 11(1)(a)(d)(h)(k) of Prevention of Carnality to Animal Act, 1960 and Sections 47,48,50,52,54 and 56 (c) of Transportation of Cattle Rule, 1978.

3. According to prosecution case, there is specific allegation that on the alleged date of occurrence, one pick-up-van alongwith his driver was apprehended by the police and upon being search in the said vehicle, cattle and calf were found to be carried by the driver, and accordingly, the said pick up-van and cattle were seized and upon interrogation, the driver of the



said pick-up-van has disclosed the name of the petitioner as owner of the pick-up-van.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent. He has falsely been implicated in the present case on the basis of the disclosure made by the co-accused person, namely, Radhey Yadav, who is driver of the pick-up-van in question and the petitioner has been made accused in this case on the ground that the petitioner is owner of the pick-up-van in question and the petitioner has no concern at all with the alleged recovery.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and he has been made accused in this case on the ground that the petitioner is owner of the pick-up-van in question, 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 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-3rd, Jamui in



connection with Chakai P.S.Case No.230 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bonds shall be cancelled by the Court below.

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

(III) 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/her criminal antecedents, 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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