

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63928 of 2023

Arising Out of PS. Case No.-163 Year-2023 Thana- JOGAPATTI District- West Champaran

Akhtar Khan Son Of Late Bunela Khan Resident Of Village- Piparpatti, Ps-
Yogapatti, Distt- West Champaran At Betiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arbind Kumar Singh, Adv

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 17-10-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Yogapatti PS Case No. 163 of 2023 , dated 28-04-2023 registered for the offence punishable under Sections 413 and 414 of the Indian Penal Code and Section 11(1)(a)(d) (k) of the Animal Cruelty Act, 1960.

3. As per the First Information Report (for brevity ‘FIR’) the allegation is that five tied oxen were recovered from a pickup van. It is alleged that on seeing the police, the petitioner and one of the co-accused, namely, Afsar Khan fled away from the place of occurrence.

4. It is submitted by the petitioner's counsel that the



petitioner had purchased the alleged recovered animals for the farming purpose, for which purchase receipts have also been issued, which have been brought on record as Annexure(s) 2 and 3 to the application. It is further submitted that the police had lodged this false case only on account of non-fulfillment of illegal demand of money. It is also stated in paragraph No.2 of the bail application that the petitioner has not moved this Court earlier for anticipatory bail in this case. It has further been stated that the petitioner has two criminal antecedents of trivial nature at the instance of his agnates. Co-accused of this case has already been privileged with anticipatory bail vide order passed in Cr. Misc. No. 53787 of 2023.

5. Learned APP for the State has opposed the prayer for bail.

6. Considering the rival submissions as also the fact that co-accused of this case has already been privileged with anticipatory bail vide order passed in Cr. Misc. No. 53787 of 2023, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for anticipatory bail is allowed.

7. Accordingly, let the petitioner, above named, in the event of his arrest or surrender before the court below within a



period of four weeks from today, 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 the learned CJM West Champaran, Bettiah, in connection with Yogapatti PS Case No.163 of 2023, dated 28-04-2023, subject to the conditions as laid down in Section 438(2) of the Code of Criminal Procedure with following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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