

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62109 of 2023

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

1. Kalkator Singh @ Kalktar Singh S/O Harendra Singh R/O Village- Raghodihara, P.S- Dawath, Distt.- Rohtas.
2. Zamiruddin Mansuri @ Zamiruddin S/O Kamruddin Mansuri R/O Village- Jonhi, P.S- Bikramganj, Distt.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 16-10-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with Barachatti P.S. Case No. 502 of 2023 dated 26.05.2023 instituted for the offence punishable under Sections 414, 429 of the Indian Penal Code, Section 3/4/4(b) of the Bihar Preservation and Improvement of Animal Act 1955 and Section 11 of the Prevention of Cruelty of Animal Act.

3. The prosecution case, in short, is that the informant got information that illegal cattle is being transported through NH-2. On getting information, the informant along with his associates reached at NH-2 and found that many trucks are



carrying cattle and they are going towards Jharkhand. Further, the informant informed the police, thereafter the truck was stopped at Dobhi Samekit Janch, but the driver along with other persons managed to escape away. It is alleged that four vehicles carrying animals were intercepted on which the loaded animals were in pity condition. It is further alleged that the said cattles were being transported outside the state in contravention of Rule 4(B) of Bihar Animal Preservation Act. All animals were taken into custody and handed to *gaushala*.

4. Learned counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated in this case. It is further submitted that petitioners are not named in the First Information Report. Learned counsel for the petitioners submits that petitioners are not the owner of any of the vehicle. Learned counsel for the petitioners further submits that petitioner no. 1 owns and runs a *khatal* in Ranchi. He had purchased one cattle from Karakat cattle fair and was transporting the same in the truck for Ranchi. With regard to petitioner no. 2, it is submitted that he is the driver of one of the trucks in which cattle were being transported. Lastly, it has been submitted that petitioners have no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for



anticipatory bail of the petitioners.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioners within a period of six weeks from today, in connection with Barachatti P.S. Case No. 502 of 2023, they shall be released on anticipatory 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 C.J.M., Gaya subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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