

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73884 of 2023

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

1. Dinesh Kumar Gupta S/O Baban Prasad Gupta Resident Of Village-Narbatpur, Ps-Buxar (MUFASSIL), District-Buxar
2. Ajit Kumar Paswan @ Ajit Paswan S/O Shivji Paswan Resident Of Village-Pawara, P.S.-suryapura, District-Rohtas (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dineshwar Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-11-2023 Heard Mr. Dineshwar Pandey, learned counsel for the petitioners and Mr. Satyendra Narayan Singh, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Barachatti P.S. Case No. 502 of 2023 F.I.R. dated 26.05.2023 registered for the offences punishable under Sections 414, 429 of the Indian Penal Code and Sections /4/4(b) of the Bihar Preservation and Improvement of Animals Act, 1955 and Section 11 of the Prevention of Cruelty of Animal Act.

3. Allegation against the petitioners is that they are the owners of the seized vehicles and they have been found involved in illegal trading of animals as large number of animals in pity condition were recovered from their vehicles.



4. Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the name of the petitioners have been transpired on the basis that the petitioners are the owners and drivers of the vehicle and it appears that one Sri Madaura Baba Transport, Narbatpur, Chausa booked the vehicle of the petitioner no. 1 for carrying three cattles along with two calves from Chausa to Bodh Gaya vide Bilty No. 318 and the transporter had already handed over three receipts of Chausa cattle fare to the driver of the vehicle in question (Annexure-P/2).

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for anticipatory bail of the petitioners.

6. Considering the aforesaid facts, let the petitioners, above named, in the event of their 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) each with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Sherghati, Distirct- Gaya in connection with Barachatti PS. Case No. 502 of 2023, subject to the conditions as laid down under Section



438(2) of the Code of Criminal Procedure and with other following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

2. If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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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