

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.635 of 2023

Arising Out of PS. Case No.-314 Year-2022 Thana- RAMPUR District- Gaya

1. MD. MAHBOOB SHAH @ MAHBOOB SHAH SON OF JASO MAHRUM R/O VILL.- SARMA BAZAR, P.S.- BARACHATTI, DISTT.- GAYA
2. ASHHAR RAZA @ KAILA QURAISHI @ ASHAR RAZA @ KAILA KURAI SI SON OF ASHRAF QURAISHI AT PRESENT MOHALLA-KASAB TOLA, BARI ROAD, P.S.- KOTWALI, DISTT.- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Adv.

For the Opposite Party/s : Mr. Arvind Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 19-04-2023 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 25.06.2022, in connection with Rampur P.S. Case No.314/2022 registered for the offences punishable under Sections 414 and 34 of the I.P.C, Sections 4-B of Bihar Preservation and Improvement of Animals Act, 1955 and Rule 11(I)(d)(e)(f) of Prevention of cruelty to Animal Act.

According to prosecution case, while the police party were on patrolling duty, he received a telephonic information that one pick up van carrying animal illegally and fleeing towards jail road and one motorcycle is escorting the van. On the basis of said information, informant along with police team intercepted the



vehicle whereby 8 cows loaded in appropriate way were recovered. The driver of the pick up van disclosed his name as Mahmood Shah (petitioner no.1) and further reveals that the seized cattle belong to Ashar Rajza @ Kaila Kuraisi (petitioner no.2).

Learned counsel for the petitioners submits that petitioner no.1 has clean antecedent and the petitioner no.2 has carried two criminal antecedent other than the present one and they have falsely been implicated in the present case. He further submits that the petitioner no.1 is the driver of the vehicle and the petitioner no.2 is owner of the cattle in question. He further submits that in fact the petitioner no.2 has purchased the cattle in question from Pirachak Etvan Rayati Bazar on 24.06.2022 and the same was recovered by the police from the pick up van in question. He further submits that the police after investigation submitted the charge sheet against the petitioners and the petitioners are in custody since 25.06.2022.

The learned Additional Public Prosecutor for the State on the other hand vehemently opposed the prayer for bail of the petitioners on the ground that the petitioner no.2 carried two criminal antecedent other than the present one.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioners, above named, 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 the learned J.M.1st Class, Gaya, in connection with Rampur P.S. Case No. 314/2022, subject to the 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 bond 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 antecedent, 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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