

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74782 of 2022

Arising Out of PS. Case No.-38 Year-2022 Thana- KASMA District- Aurangabad

MD. SABBAR KHAN S/O MD. SABIR KHAN Resident of village- Sihuli,
P.S.- Amas District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Rita Verma, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 279, 295-A, 379, 414, 417, 420, 428, 429, 465, 120-B of the Indian Penal Code, Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Section 3, 4, 4-B of Bihar Prevention and Improvement of Animals Act, 1955.

The prosecution case, is that, the informant along with other police personnel seized a container truck bearing Registration No. HR-55R-5641, involved in transporting forty-seven cattle illegally in a cruel and wretched condition. The said container truck was being driven by the driver in a rash and negligent manner and when the police signaled him to stop the



same, he fled away leaving contained truck on the spot. It is further alleged that out of forty-seven cattle, three cows were found dead.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case because he is the driver of the said container. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that falsity of the prosecution case is evident from the fact that there were 47 cattle in the vehicle in which three cows had died when the container was opened but as per the Animal Health Report dated 16.04.2022, given by the Veterinary Hospital, Rafiganj, Aurangabad to Kasma Police shows the health status of all 47 cattle as either good or malnourished. It means all cattle were alive at the time of their medical examination. He further submits that from the valid invoice receipt dated 04.04.2022 of the Adarsh Nuwan Hat Bazar, Durgawati, it is evident that the cattle loaded on the vehicle were not for the purpose of the slaughtering. Petitioner has no criminal antecedent as mentioned in para-3 of this application.



Per contra, learned APP for the State vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

Considering the facts and circumstances of case as well as the nature of the offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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