

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9927 of 2024

Arising Out of PS. Case No.-473 Year-2017 Thana- MAJHAULIA District- West Champaran

Md. Khalid S/O Yusuf Quraishi R/O Village- Khuda Nagar, P.S- Chhatauni,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rashmi Jha, Advocate
For the Opposite Party/s : Mr. Anil Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 20-02-2024 Heard Mrs. Rashmi Jha, learned counsel for the

petitioner and Mr. Anil Prasad Singh, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Majhauiliya P.S. Case No. 473 of 2017, F.I.R. dated 09.12.2017 for the offences punishable under Section 414 of the Indian Penal Code, Sections 11(1), 11(A), 11(D) and 11(K) of the Prevention of Cruelty of Animal Act and Sections 47, 48, 49 and 96 of the Animal Transportation Act.

3. According to prosecution case, during the course of patrolling, the officer in-charge found that 9 cattles and one dead cattle were recovered from the pickup vans and in course of patrolling one person, namely, Ajit Kumar was caught by the villagers.

4. Learned counsel for the petitioner submits that



petitioner is innocent and he has falsely been implicated in the present case. He further submits that petitioner is not named in the FIR and even the apprehended co-accused persons have not stated the name of the petitioner. He further submits that petitioner has been falsely implicated in the present case merely on the ground that the petitioner is accused in two others cases in similar nature of the offence. He further submits that except the suspicion, no other material has come during the investigation to suggest the involvement of the petitioner in the present case. He further submits that petitioner is neither the owner nor the driver of the said vehicle in question.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries three criminal antecedents other than the present one.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of 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) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Bettiah, West Champaran in



connection with Majhauriya P.S. Case No. 473 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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