

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38724 of 2024

Arising Out of PS. Case No.-266 Year-2023 Thana- ROSHANGANJ District- Gaya

Md. Ashar Raza Son of Md. Ashraf Quaraishi @ Ashrf Qureshi Resident of
Mohalla - Quasab Tola, Bari Road, P.S.- Delha, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Jagdhar Prasad, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 10-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Roushanganj
(Bankebazar) P.S. Case No. 266 of 2023 registered for the
offences punishable under Sections 279, 295(A), 414, 120(B)
of the Indian Penal Code, Section 3, 4, 4(B) of Bihar Animal
Prevention Act, 1955 and Section 11 of Prevention of Animal
Cruelty Act, 1960.

3. As per the FIR, the allegation against the petitioner is
that the petitioner along with other accused persons were
illegally transporting cattle in a vehicle without having proper
documents. It is further alleged that about 9 cattle were brutally
tightened by rope in a closed vehicle. The accused persons tried
to fled away from the spot but were caught with the help of



police personnel.

4. It is submitted by learned counsel for the petitioner that the petitioner is quite innocent and he has committed no offence. No such occurrence as alleged has ever taken place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is totally false and based on concocted facts. At the time of alleged recovery, petitioner was not present on the spot. His name has been transpired in the present case merely because he is the registered owner of the seized pickup vehicle in question. He has no concern with the alleged occurrence. The real fact is that the co-accused purchased the seized animals from *Pashu* Haat Bazar, Palamu and hired the petitioner's vehicle to transport it due to which the petitioner has also been made accused in the present case. Petitioner has three criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the criminal antecedents of the petitioner as well as the nature of offence, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the



learned Court below within six weeks from today and seeks regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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