

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49824 of 2024

Arising Out of PS. Case No.-137 Year-2024 Thana- ARWAL District- Jehanabad

Mustaque Quarashi Son of Mumtaz Qurashi Resident of Vill- Babura, P.S.-
Bhabua, District- Kaimur at Bhabhua.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinod Kumar Seth

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 28-08-2024 1. Heard the parties.

2. The petitioner apprehends his arrest in connection with Arwal P.S. Case No. 137 / 2024 dated 29.03.2024 registered for the offence punishable under Section 279, 379 & 414 of the I.P.C., Section 11 of the Prevention of Cruelty to Animals Act, 1960 and Sections 3, 4 & 4-B of the Bihar Preservation and Improvement of Animals Act, 1955.

3. As per the prosecution case while the informant was coming to Patna for his personal work on 29.03.2024 at about 12:30 A.M. on N.H.- 139 he noticed that one Pick- Up Van bearing registration no. BR26GB4525 having animals loaded over it beyond its capacity was being driven negligently and rashly. The informant informed the Police and got the van stopped and upon search, twelve calves were found loaded by



making a double-deck and they were tied in a cruel manner and their condition was very pathetic. Upon query, the driver and one another person told that they were coming along with the loaded animals / cattles from Daudnagar for slaughtering, but they failed to produce any document relating to the animals, as such, suspicion arose that all the twelve calves were stolen one and brought for the purpose of slaughter. The vehicle along with the loaded cattle was seized and seizure list was prepared but driver / owner of the vehicle succeeded in fleeing away.

4. Learned counsel for the petitioner submits that petitioner is innocent and has falsely been implicated in this case on the basis of a false and concocted story. Learned counsel submits that the petitioner was not arrested on the spot and he was not physically present at the time of alleged search as well as at the time of loading of the animals. He next submits that Section 379, 414 of the I.P.C. is not made out against the petitioner in view of purchase receipt of the animals and the other Sections are bailable. He further submits that one Abhishek Kumar is the owner of the aforesaid animals.

5. I have heard learned counsel for the petitioner and perused the materials available on record. From perusal of the order of learned Sessions Judge, Jehanabad passed in A.B.P. No. 553 /



2024 it is evident that the petitioner is not named in the F.I.R. rather his name has surfaced in paragraph no. 19 of the case diary in which it is mentioned that the petitioner is the owner of the alleged seized vehicle bearing registration no. BR26GB4525 and there is direct involvement of the petitioner in the alleged crime. It further appears that the informant in his re-statement recorded in paragraph no. 2 of the case diary and the witnesses in their statements recorded in paragraph nos. 3 & 4 of the case diary have supported the prosecution case. Furthermore, from perusal of paragraph no. 3 of the bail petition it appears that the petitioner has also got criminal antecedent. Accordingly, I do not find any reason to differ with the impugned order passed by learned I/C Sessions Judge, Jehanabad. The anticipatory bail application of the petitioner stands rejected.

(Anil Kumar Sinha, J)

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