

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54845 of 2024

Arising Out of PS. Case No.-20 Year-2024 Thana- KANGLI District- West Champaran

Jamal Alam Son Of Maksud Alam @ Maksood Mian Resident Of Village -
Senuwariya, Police Station - Kangali, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Adv.

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 28-08-2024 Heard Mr. B.K. Mishra, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kangali P.S. Case No. 20 of 2024 for the offence registered under sections 414/34 of the Indian Penal Code and Sections 11(1)(a), (1)(K) of the Prevention of Cruelty to Animals Act, 1960 lodged on 14.04.2024 by the informant Prem Kumar.

3. As per the prosecution story, the informant alleged that on patrolling duty, got secret information about movement of animals from India to Nepal. A vehicle was intercepted and there was a recovery of three buffaloes and two calves (*Para*). The '*Chowkidar*' named the escaped person as this petitioner. Accordingly, the FIR.

4. Learned Counsel for the petitioner submits that



only due to enmity, the *Chowkidar* has implicated him because he had criminal antecedent of the same nature. He is neither the owner of the vehicle nor the driver but he has been dragged and the last submission is that without accepting the allegation and/or the outcome of the present petition, learned counsel for the petitioner submits that he is ready to pay Rs. 10,000/- to the Chief Minister's Relief Fund.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that he has criminal antecedent of the same nature.

6. Taking into account the submissions put forward by the parties as also the fact that he does not own the vehicle nor is/was the driver, this Court is inclined to grant him the anticipatory bail with conditions subject to payment of Rs. 10,000/- to the Chief Minister's Relief Fund.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Bettiah, District-West Champaran in connection with Kangali P.S. Case No. 20 of 2024 subject to



condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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