

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61952 of 2024

Arising Out of PS. Case No.-94 Year-2024 Thana- NARPATGANJ District- Araria

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Md. Sadre Alam Quraishi @ Md. Sadre Alam @ Sadre Alam Kuraishi, aged about 45 years (male) son of Late Tasleem Quraishi, R/o Village- Gauri, P.S.- Nanpur, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binay Datta, Advocate

Mr. Krishna Kant Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 25-09-2024 Heard Mr. Binay Datta, learned counsel along with Mr. Krishna Kant Singh, learned counsel appearing on behalf of the petitioner and Mr. Rajendra Nath Jha, learned APP for the State.

2. The petitioner seeks pre-arrest bail in connection with Narpatganj P.S. Case No. 94 of 2024, registered for the offence punishable under Sections 279, 379, 414, 420, 429, 120B of the Indian Penal Code, Section 11 of the Prevention of Cruelty to Animal Act, 1960 and Sections 3, 4, 4(B) of Bihar Preservation and Improvement of Animals Act, 1955.

3. As per the allegation made in the FIR, petitioner along with other accused persons, was involved in carrying altogether 50 animals, in which five animals were found dead, on a vehicle registered in the name of the petitioner.

4. Mr. Binay Datta along with Mr. Krishna Kant



Singh, learned counsel appearing on behalf of the petitioner submitted that petitioner is innocent and has falsely been implicated in the present case on the basis of the fact that the vehicle, from which, altogether 50 animals were being illegally transported, is registered in the name of the petitioner. Learned counsel further submitted that it is admitted that the vehicle was being driven by other co-accused person and the petitioner cannot be held to have illegally transported the animals on the said vehicle. Learned counsel further submitted that petitioner undertakes that in future, he will not commit any crime and he will file an affidavit to the above extent before the learned District Court. On these grounds, petitioner seeks to be released on pre-arrest bail.

5. Learned APP for the State submitted that petitioner has similar nature of criminal antecedent and he is involved in the business of illegal transportation of animals from India to Nepal and other neighbouring countries and petitioner does not deserve to be released on pre-arrest bail, as for similar allegation, one case is pending against him.

6. Considering the rival submissions made on behalf of the parties, as well as, the fact that at the time of seizure of the truck, the petitioner was not present. Petitioner has admitted



that he is the owner of the said truck but he was not involved in the crime and had acted against the provision of Prevention of Cruelty to Animal Act, 1960 and it is submitted on behalf of the petitioner that petitioner undertakes that in future, he will not commit any crime and he will file an affidavit to the above extent before the learned District Court.

7. The petitioner, above named, is directed to be released on pre-arrest bail, in the event of his/her arrest or surrender before the learned District Court within a period of four weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount, of which, one would be a government servant, each to the satisfaction of learned C.J.M., Araria, in connection with Narpatganj P.S. Case No. 94 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J)

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