

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74757 of 2024

Arising Out of PS. Case No.-100 Year-2023 Thana- UPHARA District- Aurangabad

Md. Safi S/O Md. Khalil Kourashi @ Khalil Quraishi Resident of village- Ahmadpur, P.S- Rafiganj, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Prasad Singh, Advocate

For the Opposite Party/s : Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 12-11-2024

1. Heard learned counsel for the parties.

2. The petitioner in this application prays for bail apprehending his arrest in connection with Uphara P.S. Case no.100 of 2023 registered for the offence punishable under sections 279, 379, 414, 428, 429 and 120B of the Indian Penal Code, sections 3, 4 and 4B of the Bihar Preservation and Improvement of Animals Act, 1955 and section 11 of the Prevention of Cruelty to Animals Act, 1960.

3. As per the prosecution case, the informant states that she is a social worker involved in prevention of cruelty towards animals. Though she signalled the vehicle in question to stop, however, it sped away. It is further stated that it met with tyre puncture at some distance and on information being given



to the police and search of the vehicle, six cows were found in an injured condition in the vehicle. Hence the instant application.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. He is a cattle merchant who purchased the cattle from a local fair. Thus, no case under sections 379 and 414 of the Indian Penal Code is made out against him. With respect to the allegations under the Prevention of Cruelty to Animals Act, 1960, it is submitted that so far as the first offence is concerned, the punishment may only be of fine. The petitioner has no criminal antecedent.

5. The application for bail is opposed by learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner in the FIR together with the petitioner not having any criminal antecedent, it is directed that the petitioner above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Uphara P.S. Case no.100 of 2023 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Judicial Magistrate 1st Class,
Daudnagar, District Aurangabad.

(Partha Sarthy, J)

Saurabh/-

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