

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86206 of 2023

Arising Out of PS. Case No.-357 Year-2023 Thana- MUFFASIL District- Aurangabad

Mahafuj Alam Son Of Mahmud Alam R/O Village- Ward No.- 20, Mohalla-
Lohar Toli, Sherghati, P.S.- Sherghati, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh
For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in Aurangabad Muffasil P.S. Case No. 357 of 2023 registered for the offences punishable under Sections 279, 379, 414, 428, 429, 120(B) of the Indian Penal Code, Section 4(B) of Bihar Preservation and Improvement of Animal Act and Section 11 of the Animal Cruelty Act, 1960, pending in the Court of learned C.J.M., Aurangabad.

3. As per the prosecution case, the informant got information that cattle were being carried from Barun cattle fair for the purpose of killing. Thereafter, informant reached at the place of occurrence and stopped a container upon which cows



and bulls were loaded with cruelty. Thereafter, the informant informed police and then police came and took the aforesaid container in his custody.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that petitioner is the owner cum driver of the truck in question. He further submits that the petitioner has purchased the said cattle from “Aadarsh Nuaon Pashu Haat Bazaar” and the cattle were being carried for the purpose of selling. The petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State vehemently opposing the bail petition submitted that specific overt act has been attributed against the petitioner. Hence, he does not deserve privilege of anticipatory bail.

6. Considering the facts and circumstances of case and the nature of the offence, I am not inclined to enlarge the petitioner on anticipatory bail. The prayer for anticipatory bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek



regular bail, the learned Court below would pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

