

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1757 of 2025

Arising Out of PS. Case No.-188 Year-2024 Thana- KALYANPUR District- Samastipur

1. Md. Faku @ Faku, Male, aged about 43 years, son of Md. Ishak,
2. Saukat @ Md. Saukat, Male, aged about 45 years, son of Din Mohammad,
Both resident of Village- Nohariya Mohalla Uttawar, 278, P.S. - Uttawar,
District - Palwal (Haryana)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

2. The petitioners seek bail in connection with Kalyanpur PS Case No.188 of 2024 dated 30.07.2024, instituted for the offence punishable under Sections 115(2), 303(2), 281, 132, 325, 317(4), 3/5 of the *Bhartiya Nyaya Sanhita*, 2023 and Sections 11(i)(d)(e)(f)(i)(k)(l) of the Prevention of Cruelty of Animals Act.

3. The prosecution case, in short, is that on the alleged date of occurrence the informant and other police personnel proceeded for night patrolling and got information that a pickup van loaded with liquor is coming from Pusa side. On such



information, the police personnel started vehicle checking at Kalyanpur Chowk. At about 3.30 AM, one white coloured pickup van without registration number came and that was signaled to stop but it did not stop and started running away towards Jatmalpur. The police personnel chased them. Some persons were sitting in the pickup van and they started pelting stones on the police personnel due to which some police personnel became injured. However, they were overpowered and these petitioners were arrested. Four persons escaped from the place of occurrence. The apprehended persons i.e., the petitioners disclosed that they have stolen the animals in the night from the deserted place. Upon search, one dead cow and four alive animals were recovered.

4. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Learned counsel further submits that the allegation against the petitioners is that they were arrested with a pickup van and five cattle, but the pickup van is not a stolen vehicle, rather, the owner of the vehicle is Mohd. Kasam and the same was hired by the traders for carrying the cattle. The petitioners are only the labourers. Lastly, it is submitted that the petitioners are in custody since 30.07.2024 having no criminal antecedents.



5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Samastipur, in Kalyanpur PS Case No.188 of 2024, subject to the conditions that both the bailors shall be local.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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