

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39803 of 2025

Arising Out of PS. Case No.-6 Year-2025 Thana- RISIYAP District- Aurangabad

Md. Irfan Ali S/o Md. Nizamuddin Ali R/o Village-13 Phari Bagan
Kamarhati, P.S.-Kamarhati, District-Kolkata (West Bengal)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukul Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE AJIT KUMAR
ORAL ORDER

5 15-10-2025 Heard the learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 281, 303(2), 317(2) of the B.N.S.S., 2023.

3. According to prosecution case, the case was filed based on a report by Sujit Kumar Singh of the Gau Gyan Foundation. On 10.01.2025, the informant received information that two pickup vans (Reg. No. UP 85CT/2350 and BR 26GC/2531) were transporting animals cruelly. Upon reaching



Risiup market, the informant found the drivers behaving carelessly. One driver (BR 26GC/2531) escaped, while the other (UP 85CT/2350) named Anish was caught. Authorities recovered 14 cows from the first van and 8 from the second, all tied and unconscious. The accused could not provide documents for the vehicles or animals, suggesting a conspiracy between the owners and drivers.

4. Learned counsel for the petitioner submits that out of two pick up van, the petitioner has been roped in this case because of the fact that out of two pick up van, which was seized carrying animals with cruelty, one belongs to the petitioner and the driver of the said pick up van, was arrested from the spot bearing Reg. No. UP 85CT/2350, the number plate has been found to be tampered and the driver of the said pick up van changed the original number plate to one being Reg. No. being WB 23F 0766. The driver of the said pick up van has been granted regular bail while the recovered animals from the said pick up van does not belong to the petitioner and is not aware of the activities being carried out by the driver. It has further been submitted that the petitioner is innocent, has neither been named in the F.I.R. nor was present at the place of occurrence and is currently residing in Kolkata.



5. Learned APP for the State opposes the prayer for anticipatory bail application.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his/her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned C.J.M., Aurangabad, in connection with Risiup P.S. Case No. 06 of 2025, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure / Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita and with other following conditions:-

(i) one of the bailors should be the family member/relative of the petitioner(s) who shall provide official document to show his/her bona fide;

(ii) the petitioner(s) 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/her/their bail bond by the Trial Court itself;

(iii) the petitioner(s) 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;

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

(Ajit Kumar, J)

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