

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.51257 of 2025**

Arising out of PS. Case No.-122 Year-2024 Thana- MAGADH UNIVERSITY District- Gaya

Rakesh S/O Balraj R/o House No. 429-A, Katha Baghpat, PS.- Baghpat. Dis-  
trict- Baghpat (UP).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Shailesh Kumar, Advocate

For the Opposite Party/s: Mr. Uday Chand Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

2      11-08-2025                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the state.

2. The petitioner is apprehending his arrest in a case instituted for the offences under Sections 379 and 411 of the Indian Penal Code and Sections 11(1)(a), (d),(e),(f) and (1) of the Prevention of Cruelty to Animals Act, 1960. He has no criminal antecedent.

3. As per the prosecution case, the Assistant Sub-inspector of Police at Magadh University P.S. Gaya received information that a truck was standing on the eastern side of NH-83 which was covered with Tripal and on search it was found that sixteen camels were tied with rope and out of which eleven camels were found dead and rest of five camels were struggling for life.



4. Learned counsel for the petitioner submits that the petitioner happens to be the owner of the said truck and as such as far as the allegation of cruelty upon the animals is concerned, it cannot be attributed to him. It is further submitted by learned counsel for the petitioner that other offences under Sections 379 and 411 of the Indian Penal Code is also not made out against the petitioner as he was a *bona fide* transporter and animals were being taken by one Shamim who has purchased the same from one Banwari Ji from Rajasthan. It is next submitted by learned counsel for the petitioner that the petitioner has no concern with the consignment and as such the allegations levelled in the FIR cannot be attributed to the petitioner who carries clean antecedent.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid submission of learned counsel, the petitioner, above named, is directed to be released on anticipatory bail, in the event of arrest or surrender before the Court below within a period of four weeks from today, on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri Rohit Sinha, Judicial Magistrate, 1st Class-cum-Additional



Munsif-VI/Concerned Court, Gaya in connection with Magadh University P.S. Case No. 122 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure read with corresponding Section 482(2) of BNSS as well as subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) And further condition that the court below shall verify the criminal antecedent of the petitioner except one above mentioned case and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. How-



ever, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of the same or in the name of verification.

7. It is made clear that the observations, if any, made in this order, shall be of no bearing during the trial.

**(Sourendra Pandey, J)**

Vikash/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

