

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57161 of 2025

Arising Out of PS. Case No.-382 Year-2025 Thana- DAUDNAGAR District- Aurangabad

Makdum Shahabuddin Quresshi @ Bablu Qureshi, S/o- Late Abdul Rasid Qureshi, Resident of Mohalla- Pirahi Bag, Ward No- 16, PS-Daudnagar, Dist- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Verma, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2025 Heard Ms. Alka Verma, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection with Daunagar P.S. Case No. 382 of 2025, registered for the offences punishable under Sections 111, 62, 325, 317(4), 299, 303(2) and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3, 4 and 11 of Prevention of Cruelty to Animal Act, 1960.

3. The petitioner is said to have been involved in stealing animals and slaughtering them and sending outside through pick-up van. Upon secret information, the members of Block Level Animal Cruelty Prevention Committee alongwith other persons and the team of police raided the garden of the petitioner and found three animals were roaming therein. In



course of raid, 43 animals were also found tied therein. Two pick-up vans laden with some raw meats were also found there. The entire action was designed to hurt the sentiments of other communities and disrupt the communal harmony.

4. Learned Advocate appearing on behalf of the petitioner taking this Court through the FIR primarily submitted that the garden which is alleged to be in possession of the petitioner is wholly incorrect and in fact, neither the petitioner has anything to do with the alleged place nor with the pick-up vans, which were found at the place of the occurrence. There is no complaint by any one with regard to the factum of theft of any animal, allegedly found in possession of the petitioner. In fact, only on account of the past criminal antecedent, the name of the petitioner has been implicated in this case on suspicion. It is further contended that even if the allegation taken to be true, no case as alleged in the FIR is made out against the petitioner. The petitioner undertakes that he will fully cooperate in the investigation.

5. On the other hand, learned Advocate for the State opposed the pre-arrest bail application and submitted that apart from the serious allegation of slaughtering of the animals and trafficking of the same for illegal purposes, the petitioner bears three criminal antecedent of identical nature, in his credit.



6. Having considered the submissions set forth by learned Advocate for the respective parties and taking note of the fact that the anticipatory bail is a discretionary relief intended to protect innocent individual from motivated and arbitrary arrest and not to provide sanctuary to those who violates law with impunity. The Apex Court in the case of *Lavesh vs. State (N.C.T. of Delhi), (2012) 8 SCC 730* has unequivocally observed that persons with criminal antecedent is not entitled for anticipatory bail. Considering the antecedent of the petitioner in identical nature, this Court is not acceded to the prayer for anticipatory bail.

7. However, it is made clear, if the petitioner surrenders before the Court below preferably within a period of four weeks from today, the learned jurisdictional Court shall take up the case of the petitioner expeditiously, without being prejudice by the order of this Court and after taking note of the submissions of the petitioner, in accordance with law.

8. The application stands dismissed with the aforesaid observation.

(Harish Kumar, J)

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