

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II

DISTRICT-Katihar
(A.B.P. No. 661/2026)

In the matter of

1. Md. Arif aged about 35 years S/o Md. Kadir @ Kadir

R/o- Vill- Basantpur, P.S. Sadart, District- Purnea

.....Accused/petitioner.

Vs

State of Bihar.....Opposite Party.

Balia Belon P.S. case no. 53/2026

U/S- 303(2), 317(2), of the B.N.S. and u/s 11(1)(a)(d)(e)(f) of the Prevention of Cruelty to Animal Act

Ld, advocate for petitioner- Shri Imranul Haque

Ld, A.P.P. for the State- Shri Md. Azaj Alam

ORDER

10.06.2026- This anticipatory bail petition has been filed on the behalf of accused-petitioner namely Md. Arif who is apprehending his arrest in connection with aforesaid case.

Heard the ld. counsel Shri Imranul Haque appearing on the behalf of the petitioner and Ld. A.P.P. Shri Md. Azaj Alam on the behalf of the state.

According to F.I.R. prosecution case in nutshell is that informant to this case namely Dudhnath Paswan, P.S.I., Balia Belone lodged a written report to this effect that in the course of patrolling on dated 15.04.2026 at about 01:05 O'clock he reached near Bakhan Kheti bridge then he intercepted one vehicle Tata intra pick-up and appended two persons out of them driver of said vehicle disclosed his name to Md. Arif (accused-petitioner) and another disclosed his name to Riyajul Haque. It is further alleged that during the search of said vehicle total 09 calf were founded to be loaded in said vehicle in very cruel manner. It is further alleged that on inquiry aforesaid persons told that said calf are of Md. Salim. It is further alleged that Md. Arif fled away after taking the benefit of darkness. Later on seizure list was prepared.

On the other side learned counsel for the petitioner has reiterated all the grounds taken in the bail petition and has submitted that the petitioner is quite innocent and he has committed no offence and he has falsely been implicated in this case out of confusion. He has further submitted that petitioner has not violated any provision of section 11 of prevention of cruelty to animal act and there is no application of section 303(2), 317(2) of the B.N.S. in this case as the cattle are not stolen property rather it belongs to Md. Salim, Abdur Razzaque, Muslim, Razaul Haque and Shabbir Alam who are the rightful owner and at their instruction the cattle was being transported by the petitioner. He has further submitted that Md. Salim, Abdur Razzaque, Muslim, Razaul Haque and Shabbir Alam is the owner of the cattle and they have valid papers regarding the purchase

of cattle. They have purchased the cattle from Kailash Virat Maveshi Haat, Raghopur, Supaul and hired the vehicle of the petitioner for transportation. The purchased receipt of the seized cattle are being enclosed herewith the petition. He has further submitted that the petitioner is the driver of the seized vehicle having not concerned with the seized cattle. The vehicle belongs to Md. Firdous who is the own brother of the petitioner. Accused-petitioner has got no other criminal antecedent. Accordingly, it has been prayed to allow the said anticipatory bail petition.

Per contra, learned A.P.P. has vehemently opposed the prayer for anticipatory bail.

Heard the both parties and perused the case record from the perusal of case record it is evident that present petitioner is non else but the driver of the said vehicle which belongs to his own brother. Further, petitioner has filed photocopy of receipt relating to purchasing of the cattle and there is no cogent evidence on record that said cattle had been loaded in the said vehicle in very cruel manner. Furthermore, as per bail petition petitioner has got no bad criminal antecedent.

So having consideration the above facts and submission made by the Ld. Counsel for the petitioner, the instant anticipatory bail petition is hereby allowed and accordingly it is ordered to release the petitioner namely Md. Arif on bail in the case of surrender/arrest within three weeks of this order on furnishing of bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of the learned court concerned subject to the condition as mentioned in the section 482(2) of the B.N.S.S.. with additional condition that accused-petitioner will file an undertaking that he will remain physically present before the concerned court on each and every date till framing of charge.

**Addl. Sessions. Judge-II
Katihar**

Date of Order	10.06.2026
Date of Reserving Order	N/A
Uploading Date	20.06.2026
Uploaded By	Prakash Kumar Singh, Steno D.A.S.J.-II, Katihar