

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
Accused Name- Salim
P.O.-Asutosh Rai. A.S.J.-II, Katihar
A.B.P. NO. 744/2026

1

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE-II
DISTRICT-Katihar
(A.B.P. No. 744/2026)

In the matter of

1. Salim aged about 30 years S/o Sharif
R/o-Vill-Dhobighatta Rasalpur Benijalpur P.S. Balia Belon District-
Katihar.....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 Md. Habibur Rahman

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 Salim who is apprehending his arrest in connection with aforesaid case.

Heard the ld. counsel Shri Md. Habibur Rahman 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 and another person 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 (accused-petitioner). 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. He has further submitted that the allegation levelled against the petitioner are false and concocted and he has falsely been implicated in this case due to mere suspicion of the informant. He has further submitted that all the sections are bailable in nature except section 303(2), 317, of the B.N.S. which has been purposely added to make the case non-bailable. He has further submitted that petitioner has purchased two calf from the registered animal market Kailash Virat Maveshi Haat Durgapur, Raghapur Supol Bihar from one Md. Sahid on 14.04.2026 and from the said fact the section 317(2) of the B.N.S. is not attracted against the petitioner. 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 has been named in this case as a purchaser of said seized cattle. Further, petitioner has filed photocopy of receipt relating to purchasing of the cattle and there is no cogent evidence on record that said seized cattle had been loaded in the said vehicle with very cruel manner.

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 **Salim** 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