

In the Court of Addl. Sessions Judge-II, Danapur.

A.B.P. No. 1028 of 2026.

(Arising out of Sigori P.S. Case No. 83 of 2025).

Kamlesh Nut, son of Naresh Nut, Resident of Village-Nezampur, Police Station-Dulhin Bazar, District-Patna. Petitioner.

Versus.

The State of Bihar. Opp.Party.

Learned counsel for the petitioner :- Sri Kripanand Kumar Prabhakar, (Advocate)

Learned counsel for the State :- Sri Ramkeshwar Prasad, (Addl. P.P.)

Order.

13-07-2026. This anticipatory bail petition has been filed on behalf of the above-named petitioner, who apprehends his arrest in connection with Sigori P.S. Case No. 83 of 2025 registered under Sections 111, 281, 303(2), 317(4), 317(5), 61(2) of the B.N.S.,2023 and Section 11 of Prevention of Cruelty to Animals Act., 1960 and Sections 3/4 of Bihar Prevention and Improvement of Animal Act,1955 pending in the Court of Sri Chetan Anand, learned J.M.F.C., Danapur.

Heard the learned counsels for the parties.

It is submitted on behalf of the petitioner that earlier the petitioner has not moved for grant of his anticipatory or regular bail before this learned court or before the Hon'ble High Court. It is also submitted that there is no any bail application pending in any other court and this is the first bail application filed on behalf of the aforesaid petitioner. It is further submitted that the petitioner is innocent and has committed no offence. The petitioner has been falsely implicated in this case due to ulterior motive of the informant. The petitioner is purchaser/owner of the seized cattle. The cattle are not the stolen property rather the same was purchased property of the petitioner, which was purchased from Mangra Pashu Mela and in this regard purchase receipts has been issued by seller in favour of the purchaser namely Kamlesh Nat. It is further submitted that there is no theft report, so application of Sections 303(2) and 317(5) of the B.N.S. are not applicable against the petitioner. The petitioner never been indulged in any criminal act, so section 317(4) of the B.N.S. is also not applicable. It is further submitted that Sections 3 and 4 of Bihar Animal Prohibition and Improvement Act and Section 11 of Prevention of Cruelty to Animal Act are bailable in nature. Co-accused Md. Ashraf Alam has been granted bail by this learned Court vide order dated 21-08-2025 passed in A.B.P. No. 1699 of 2025. It is further submitted that petitioner has clean antecedent. The petitioner is ready to abide by any conditions imposed by this court. Hence, the petitioner may be given benefit of anticipatory bail.

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Learned Addl. P.P. opposed the prayer for bail of the petitioner.

As per F.I.R., the informant R. Lata Devi, alleged that on 10-07-2025 at about 8.00 P.M., while she was on duty at Sigori Police Station, received secret information that some persons were illegally transporting cattle in a cruel and inhuman manner by hiding them in a vehicle. Acting on the said informant, the informant along with the Police force went towards the indicated place for checking. When the Police team reached at the spot, a vehicle bearing number BR-06-PE-8055 was found, in which 13 cattle were stuffed in a very cruel and painful condition. The animals were tied tightly and due to suffocation, their condition had deteriorated severely. At that time, the driver and associates taking advantage of darkness managed to escape, abandoning the vehicle and animals at the spot. The Police team rescued the cattle and brought them to the Police Station. On inquiry, it was revealed that the cattle were being taken to West Bengal for illegal slaughter. The vehicle was seized and the rescued cattle were handed over to the Gaushala (cow shelter) for care. It is clear from the above facts that unknown criminals were transporting cattle in an extremely cruel and illegal manner for slaughter and illegal trade. Such acts are punishable under law. The cattle traders involved in this act not only torture innocent animals but also put public peace and order at risk. Therefore, as per, action should be taken against the unknown accused persons under relevant sections. The rescued cattle have been handed over to Shri Chandan Gaushala under Police supervision, where arrangements have been made for their fodder, water and medical care. About Rs.20,000/- has been sanctioned for their fodder and maintenance from government funds. From the entire incident, it appears clear that the criminals involved are part of an organized gang engaged in cattle smuggling and cruelty against animals, which is a punishable offence under law. On the basis of the written report of the informant, the F.I.R. was lodged under Sections 111, 281, 303(2), 317(4), 317(5), 61(2) of the B.N.S.,2023 and 11 of Prevention of Cruelty to Animals Act., 1960 and Sections 3/4 of Bihar Prevention and Improvement of Animal Act,1955.

Perused the record and case diary. On perusal of the case diary, it transpires that prima facie the prosecution version finds support from it. It is submitted on behalf of the petitioners that the said cattle were purchased by the petitioner from Cattle Fair, and in this

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regard purchase receipts of the said cattle have also been filed. The petitioner is the owner of the seized cattle. From the L.C.R. it appears that on 07-11-2025, the petitioner has filed release petition of the seized cattle, but till now he has not pressed the said petition. Co-accused Md. Ashraf Alam has been granted bail by this learned Court vide order dated 21-08-2025 passed in A.B.P. No. 1699 of 2025, but he was owner of the seized vehicle. Apart from that it is submitted and claimed on behalf of the petitioner that he has clean antecedent and the learned Addl. P.P. failed to produce the criminal antecedent against the petitioner inspite of sufficient opportunities provided therefor. Investigation of this case is still going on.

Having considered aforesaid including the facts and circumstances of the case, clean antecedent of the petitioner and purchase receipts of the said cattle, this is a fit case for anticipatory bail. Accordingly, the above-named petitioner is directed to be released on bail, in the event of his arrest or surrender within 30 days from the receipt/production of this order, **subject to verification of the purchase receipts from the concerned Police Station that the same is true**, on furnishing bail bond of Rs. 10,000/-with two sureties of like amount each subject to the satisfaction of learned court concerned subject to the conditions as laid down in Section 482 (2) B.N.S.S. and subject to further conditions that :- (1) One of the bailors must be the native place of the petitioner and another should be public servant (2) The petitioner shall file an affidavit that he should not commit similar offence in future. (3) If at any stage of the case it is revealed to the court concerned that the petitioner has concealed his criminal antecedent to obtain bail, his bail bond shall be cancelled by the court concerned and (4) The petitioner shall fully cooperate in the trial/investigation of the case and shall be properly represented before the court concerned, failing which his bail bond may be cancelled.

(Dictated)

Sd/

(Kshiprachala Anjalee)

Addl. Sessions Judge-II, Danapur.

