

In the Court of Chief Judicial Magistrate, Simdega.

Cr. Misc. Application No. 812 of 2022

Kersai P.S. Case No. 26 of 2022

Schedule XLII-High Court(J) 9a [Old (M) 164.]

Serial No.	Date of order of proceeding	Order with signature of the court	Office action taken with date.
1	2	3	4
	10.10.2022	Record put up today for hearing on the Miscellaneous Criminal Application No. 812/2022 dated 08.10.2022 filed on behalf of accused persons namely 1. Mirnawaj Hussain & 2. Eklakh Ansari. Copy of the petition has been received by learned A.P.P. Heard both the sides and perused the case record. Learned counsel on behalf of accused persons submitted that they have been remanded to judicial custody since 07.10.2022. They have not moved any other bail application either before this court or before any superior court. Section 12(i)(ii) of Jharkhand Bovine Animal Act will not be applicable. They have been dragged in this case mere on suspicion. They are ready to furnish good sureties to the satisfaction of the court, therefore, prayer for bail. On the other hand, learned A.P.P. vehemently opposed the prayer and submitted that the nature of allegation against these petitioners are very serious and investigation in this case is still pending. From perusal of record, it transpires that S.I. Rajesh Kumar O/C Kersai P.S. recorded his self-statement dated 07.10.2022 at 6:40 hours near Tainser Pathritoli to the effect that at 3:30 A.M. he	

	<u>Contd.....2</u> <u>10.10.2022</u>	received a source information that one grey colour Innova vehicle was passing along with another pick-up van loaded with bovine animals through Nongaraha Tainser Forest. After making station diary entry he along with other police personnel proceeded from the police station and at 4:25 A.M. they reached near Tainser Pathritoli. They saw one grey colour Innova vehicle and one pick-up van were coming from the side of Nongaraha, They stopped the vehicles bearing registration No. JH-20F-6688 and JH-01DP-4163 respectively. They found the trailer of pick-up van was covered with a tent. After removal of tent they found 11 bovine animals were loaded with cruelty. The driver of Innova vehicle disclosed his name as Mirnawaj Hussain (petitioner). He also disclosed that both the vehicles were registered in his name. He admitted that he used to deal with flesh of bovine animals. The driver of pick-up van disclosed his name as Ekhlakh Ansari. He also disclosed that he used to drive pick-up van for transporting bovine animals on daily wages and he also deal with flesh of bovine animals. The circle officer and other superior officers were informed upon which the circle officer, Kersai arrived at the place of occurrence. It is also alleged that one black colour redmi mobile phone was found in the pick-up van. They could not produce any licence or other documents regarding transportation of bovine animals. Therefore, in presence of police personnel it were seized and two seizure lists were prepared. Accordingly Kersai P.S. case No. 26/2022	
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	<u>Contd.....3</u> <u>10.10.2022</u>	dated 07.10.2022 registered U/s 414/34 IPC, 11(D)(F) of the Prevention of Cruelty to Animals Act and section 12(i)(ii)(iii) of Jharkhand Bovine Animal Prohibition of Slaughter Act, 2005 against accused persons. Both the accused persons were arrested and remanded to judicial custody vide order dated 07.10.2022 since then they are under judicial custody in connection with this case. Presently the case is fixed for awaiting F.F. After hearing both sides and perusal of case record, I find that the nature of allegation against both the accused persons regarding transportation of bovine animals for slaughtering is very serious and investigation in this case is still at nascent stage, I am not inclined to enlarge the accused persons on bail. Accordingly the prayer for bail is hereby rejected. (Dictated) Sd/- (Anand Mani Tripathi) Chief Judicial Magistrate, Simdega.	
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