

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Criminal Miscellaneous Jurisdiction)

A.B.A. No. 3133 of 2020

Md. Imteyaz Khan @ Imteyaz Khan

..... Petitioner

Versus

The State of Jharkhand

.....Opposite Party

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

Through:- Video Conferencing

For the Petitioner : Mr. Sheo Kumar Singh, Advocate

For the State : Mr. Suraj Verma, A.P.P.

02/Dated: 09/09/2020

Learned counsel for the petitioner has submitted that though there is defect no. 9(i) in the bail application as pointed out by the stamp reporter but he has filed an undertaking that he shall remove the defect within 30 days after the physical court starts and prayed for hearing of the anticipatory bail application, as petitioner is apprehending his arrest during pandemic of Covid-19.

Considering the same, this Court is inclined to hear the anticipatory bail application on merits, but with condition that petitioner shall remove the defects within 30 days after the physical court starts.

Joint Registrar (Judicial) is directed to ensure the compliance of this order after the physical court starts so as to remove the defect.

Heard, learned counsel for the petitioner, Mr. Sheo Kumar Singh and learned counsel for the State, Mr. Suraj Verma.

Learned counsel for the petitioner has submitted that petitioner is apprehending his arrest in connection with Daltonganj Town P.S. Case No.358 of 2019, for the offence under Sections 414/34 IPC and under Section 11 of Prevention of Cruelty to Animals Act 1960.

Learned counsel for the petitioners has submitted that petitioner is the owner of the truck bearing registration No.HR-55-K 6411 and he is resident of State of Bihar. His truck was found carrying 26 Buffaloes, which were not stolen one. Driver and the cleaner of the said truck could not disclose that from which place they have loaded in the same in the truck and what was the destination.

Learned counsel for the petitioner has further submitted that in absence of any theft report no case is made out.

Learned counsel for the petitioner has further submitted that petitioner has no criminal antecedent, as such, petitioner may be enlarged on anticipatory

bail.

Learned counsel for the State has opposed the prayer for bail and has submitted that a detail counter-affidavit is required to be filed with regard to involvement of the petitioner, who is owner of the said truck.

Considering the rival submission of the parties, let counter-affidavit be filed within four weeks.

List this case after four weeks.

In the meantime, no coercive steps shall be taken against the petitioner/ not to arrest the petitioner in connection with Daltonganj Town P.S. Case No.358 of 2019 pending in the court of learned C.J.M., Palamau.

(Kailash Prasad Deo, J.)