

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42396 of 2015

Arising Out of PS.Case No. -150 Year- 2014 Thana -CHAPRA TOWN District- SARAN

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Hari Shankar Singh son of Late Ram Subhag Singh, resident of village-
Mohmadpur, P.S.- Garkha, District- Saran

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi, Adv.

For the Opposite Party/s : Mr. Pramod Kr.Panday, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-10-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Chapra Town P. S. Case No. 150 of 2014 registered under
Sections 406, 419, 420 and 120 B of the Indian Penal Code.

It is contended that Mausam Devi, daughter-in-law of
the informant filed Title Suit No. 83 of 2014 in the Court of
learned Sub-Judge, 1st, Chapra against the petitioner for getting
decree of specific performance of contract and from perusal of the
same it would appear that there are vital contradictions in the facts
of criminal case and civil case specially in the mode of payment. In
the present case, it has been alleged in the FIR that Rs.2,50,000/-
has been given to the petitioner as advance on 01.09.2013, but this

fact was missing in the civil suit, falsifying all the alleged allegations of the informant. It is further contended that no case under Sections 406, 419, 420, 120(B) of the Indian Penal Code is made out against the petitioner in view of the decision of Supreme Court in the case of **Murari Lal Gupta vs. Gopi Singh [(2005) 13 SCC 699]**.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender before the court below within six weeks from today, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran at Chapra in Chapra Town P. S. Case No. 150 of 2014, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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