

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21663 of 2016

Arising Out of PS.Case No. -1893 Year- 2013 Thana -MUZFFARPUR COMPLAINT CASE
District- MUZAFFARPUR

- =====
1. Anita Devi W/o Sanjay Kumar
 2. Sanjay Kumar S/o Late Jagdish Thakur
- Both are resident of Village-Patahi Jagarnath, P.S.-Sadar, District Muzaffarpur.

.... Petitioners

Versus

1. The State of Bihar.
2. Sanjay Kumar Thakur S/o Late Ram Talewar Thakur, resident of Village Patahi Jagannath P.S. Sadar Dist Muzaffarpur.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Uday Kumar, Advocate
For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 25-05-2016 Heard learned counsel for the petitioners and learned counsel for the complainant.

Despite repeated calls, none appears on behalf of the State.

The petitioners seek pre-arrest bail in connection with Complaint Case No. C-1893 of 2013 in which cognizance has been taken under Section 420 of the Indian Penal Code.

It is contended that in view of the decision of the Hon'ble Supreme Court in the case of *Murari Lal Gupta vs Gopi*

Singh reported in (2005) 13 SCC 699, the prosecution of the petitioners for the offence punishable under Section 420 of the Indian Penal Code is bad in the eye of law.

Learned counsel for the Complainant has vehemently opposed the prayer for grant of pre-arrest bail to the petitioners. He has submitted that the ratio as laid down in the case of *Murari Lal Gupta* (supra) shall not be applicable in the present case.

Be that as it may, 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 petitioners named above are 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, Muzaffarpur in Complaint Case No. C-1893 of 2013/ Trial No. 395 of 2016, 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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