

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21179 of 2016

Arising Out of PS.Case No. -65 Year- 2016 Thana -ARARIA District- ARRARIA

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1. Krishna Murari Son of late Chandra Prakash Narayan Resident of village: Chitra Gupta nagar, Ward no. 21, PS+Distt Araria.
2. Mahboob Alam son of late Abdul Rasid@Majid Resident of Village: Kharaiya Basti Ward no. 17 Now Rahika Tola PS+District Araria.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Narayan Mandal son of late Fatru Mandal Resident of Village+PS Tarawati, District Araria.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ambika Bhagat
For the Opposite Party/s : Mr. M.Rab(App)

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Araria P.S. Case No. 65 of 2016 registered under Sections 420 and 406/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that the dispute, if any between the parties, is civil in nature and the instant criminal case has been instituted in retaliation. It is further submitted that even if the entire allegation made in the FIR is accepted to be true, in view of the judgment of the Supreme Court in the matter of *Murari Lal Gupta Vs. Gopi*

Singh [(2005) 13 SCC 699], the ingredients of the offences punishable under Sections 406 and 420 of the Indian Penal Code would not be attracted.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. He has submitted that there is specific allegation against the petitioners, who have cheated the informant of the case.

Be that as it may, regard being had to the nature of allegation, in the event of arrest or surrender before the court below within six weeks from today, the petitioners, namely, Krishna Murari and Mahboob Alam are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Araria P.S. Case No. 65 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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