

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21067 of 2016

Arising Out of PS.Case No. -40 Year- 2016 Thana -GOGRI District- KHAGARIA

=====

1. Rinku Kumari Daughter of Luri Sada Resident of village Jayanti Autta ,
PS. Gogri, District Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar

For the Opposite Party/s : Mr. Damodar Pd. Tiwary (App)

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 24-05-2016 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Gogri P.S. Case No. 40 of 2016 registered under sections
419 and 420 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that even if the entire allegation made in the first
information report is believed to be true, the ingredients of the
offence punishable under section 420 of the Indian Penal Code
would not be attracted in the present case and at best it would be a
case under section 419 of the Indian Penal Code which is bailable
in nature.

Learned counsel for the State has opposed the

application preferred under section 438 of the Code of Criminal Procedure. He has submitted that in case the offence is bailable in nature, the present application under section 438 Cr.P.C. would not be maintainable.

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 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 Sri Brajesh Kumar, Judicial Magistrate, 1st Class, Khagaria in connection with Gogri P.S. case no. 40 of 2016 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

Amin/-

(Ashwani Kumar Singh, J)

U			
---	--	--	--