

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21043 of 2016

Arising Out of PS.Case No. -13 Year- 2016 Thana -UPHARA District- AURANGABAD

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Akhilesh Yadav son of Rajdev Yadav, resident of village -Sharsa, Police Station- Uphara, Sub Division - Daudnagar, District - Aurangabad.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Surya Swetabh, Advocate

For the Opposite Party/s : Mr. Hirday Prasad Singh, APP

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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 Uphara P.S.Case No.13 of 2016 registered under Sections 420, 406 and 409/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that there is an inordinate delay in institution of the FIR as the alleged occurrence is said to have taken place on 31st December, 2015, but the FIR was instituted on 17th February, 2016. It is further submitted that there is no truth behind the allegation that the petitioner withdrew the amount of Rs.10,200/- from the account of the informant. It has been submitted that money from the account holder of the bank can be withdrawn only by the

account holder and none else. It is further submitted that the ingredients of cheating or criminal breach of trust are not attracted in the present case as neither the informant nor the witnesses during investigation has ever alleged that there is fraudulent deception by the petitioner on them nor ever any entrustment of such property was made to the petitioner by them.

Learned counsel for the State has opposed the application preferred under Section 438 of the Code of Criminal Procedure.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the above named petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Uphara P.S.Case No. 13 of 2016 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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