

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.702 of 2016

Arising Out of PS.Case No. -93 Year- 2014 Thana -SIKTI District- ARRARIA

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Md. Abdus Salam @ Salam @ Abdul Salam son of Abdul Rajjak, resident
of village- Khoragachh, P.S.- Sikty (Bardaha O.P.), District- Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Roy-I, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-01-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Sikti P.S. Case No.93 of 2014 registered under sections 341, 342,
323, 406, 420, 504 and 506/34 of the Indian Penal Code.

It is contended that initially a false and fabricated
complaint was filed and subsequently an application was filed
before the District Magistrate, Araria, pursuant to which under the
orders of the District Magistrate, the FIR has been instituted. The
allegations made in the complaint and the written report submitted
before the police are not the same. It is further contended that even
if the entire allegations made in the complaint are taken to be true,
at best, it would be a case of part performance of the contract and

the ingredients of the offences punishable under sections 406 and 420 of the Code of Criminal Procedure would not be attracted.

Learned counsel for the State has opposed the prayer for grant of anticipatory bail.

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 Mr. Sanjay Singh, learned Judicial Magistrate, 1st Class, Araria in connection with Sikti P.S. Case No.93 of 2014 corresponding to G.R. No.3191 of 2014 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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