

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50008 of 2017

Arising Out of PS.Case No. -304 Year- 2016 Thana -MAJORGANJ District- SITAMARHI

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1. Ram Narain Sah, S/o Bijali Sah,

2. Bijali Sah S/o Late Jharu Sah,

Both are R/o Village- Rajpur Tola near East Gumati of Dheng Railway Station, P.S.- Mejorganj, District- Sitamarhi.

.... Petitioners

Versus

1. The State of Bihar.

2. Shashi Nath Jha S/o Late Mahendra Jha, R/o Village- Harpur kala, P.S.- Mejorganj, District- Sitamarhi.

.... Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Ajay Kr. Singh No.1, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 09-11-2017 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Mejorganj P.S. Case No. 304 of 2016 registered under Sections 406, 420 and 504 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that petitioners are neither employees nor office



bearers of Prayag Infotech Networking in whose account the complainant is said to have deposited Rs.30,000/-. He submitted that even otherwise, a reference was made by the learned Chief Judicial Magistrate, Sitamarhi under Section 156(3) of the Cr.P.C. for investigation pursuant to which the FIR has been instituted, which is contrary to the ratio laid down by the Supreme Court in **Ramdev Food Products Private Limited & Ors. Vs. State of Gujarat [(2015) 6 SCC 439]** and **Priyanka Srivastava & Anr. Vs. State of Uttar Pradesh & Ors. [(2015) 6 SCC 287]**, as the complainant has not stated in the complaint that he ever took any step under Section 154 of the Cr. P.C. for institution of an FIR.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioners.

Considering the facts and circumstances of the case, in the event of arrest or surrender in the court below within six weeks from today, the petitioners 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 the learned Chief Judicial Magistrate, Sitamarhi in connection with Mejorganj P.S. Case No. 304 of 2016 subject



to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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