

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21612 of 2017

Arising Out of PS.Case No. -1058 Year- 2016 Thana -PURNIA COMPLAINT CASE District-
PURNIA

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Dinesh Sharma Son of Late Jagan Tatma @ Late Jagan Sharma R/o Ward
No. 1, Banmankhi, P.S. Banmankhi, District Purnea.

.... Petitioner

Versus

1. The State of Bihar.
2. Chamak Lal Sah Son of Late Khantar Sah, R/o Ward No. 3, Banmankhi,
P.S. Banmankhi, District- Purnea.

.... Opposite Parties

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Dr. Bidhu Ranjan, Advocate
For the State	:	None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-07-2017 Heard learned counsel for the petitioner and
learned counsel for the complainant.

Despite valid service of notice, on repeated calls,
nobody appears on behalf of the State.

The petitioner seeks pre-arrest bail in connection
with Complaint Case No. 1058 of 2016 in which cognizance has
been taken under Sections 406 and 420 of the Indian Penal
Code.

It is contended by Mr. N. K. Agarwal, learned
Senior Counsel for the petitioner that at best, it is a case of



breach of contract. He submitted that the ingredients of the offences punishable under Sections 406 and 420 of the Indian Penal Code would not be attracted. In order to support his submission, he has placed reliance on the ratio laid down by the Supreme Court in ***Murari Lal Gupta Vs. Gopi Singh [(2005) 13 SCC 699]***.

Learned counsel for the complainant has opposed the prayer for grant of pre-arrest bail to the petitioner.

Regard being had to the nature of allegation and the submissions made above, 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 learned Chief Judicial Magistrate, Purnea in Complaint Case No. 1058 of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks from today.

(Ashwani Kumar Singh, J.)

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