

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21036 of 2017

Arising Out of PS.Case No. -180 Year- 2016 Thana -PATLIPUTRA District- PATNA

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Sunil Kumar Singh, son of Late Balram Singh, resident of Gajadhar Chak,
Gola Road, P.S.- Danapur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. Sandip Kumar, son of Sri Shambhu Prasad, resident of Mohalla- East
Patel Nagar, Road No.8, P.S.- Shastri Nagar, District- Patna.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Advocate
Mr. Lakshmi Kant Sharma, Advocate

For the Opposite Party/s : None

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 06-07-2017 Heard learned Senior Counsel for the petitioner.

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

The petitioner seeks pre-arrest bail in connection with
Patliputra P. S. Case No. 180 of 2016 registered under Sections
406, 420 and 504/34 of the Indian Penal Code.

Mr. Ramakant Sharma, learned Senior Counsel for
the petitioner submitted that a civil case has been given colour
of criminal offence. He submitted that none of the ingredients of
the offence alleged is attracted in the present case. In support of



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]***.

Regard being had to the nature of the offence 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 ACJM, Patna-cum-Sub-Judge-XIII, Patna in Patliputra P. S. Case No. 180 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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