

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.41645 of 2017**

Arising Out of PS.Case No. -269 Year- 2013 Thana -BASANTPUR District- SIWAN

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1. Anil Kumar Soni @ Chuman Ji @ Suman Ji Son of late Brij Kishore Gupta Resident of Village- Lakri Naviganj, P.S. Basantpur, District- Siwan Presently resident of Village- Satan Tola, ward No. 15, P.S. Jogbani, District- Araria, Suhag Alankar Jewelers, Main Road, Netaji Chowk.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Adv.

For the Opposite Party/s : Mr. Sri Satyendra Prasad, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      19-09-2017                      Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Basantpur P.S.Case No. 269 of 2013 registered under Sections 406 and 420/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner that the First Information Report is based on a complaint, which was referred to the police for investigation by the jurisdictional Magistrate in exercise of power conferred under Section 156(3) of the Code of Criminal Procedure. It is further contended that the allegations made in the complaint do not attract the ingredients of the offences punishable under Sections 406 and



420 of the Indian Penal Code and, at best, it is a case of civil breach of contract.

Learned counsel for the State has opposed the prayer for grant of pre-arrest bail.

Considering the nature of allegation and the submissions made above, in the event of arrest or surrender before the court below within four weeks from today, 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 the learned Chief Judicial Magistrate, Siwan in connection with Basantpur P.S. Case No. 269 of 2013, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Ashwani Kumar Singh, J)**

Pradeep/-

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