

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41734 of 2017

Arising Out of PS.Case No. -120 Year- 2017 Thana -CHAUTHAM District- KHAGARIA

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Bandana Kumari wife of Sri Prabhat Kumar @ Mantun Singh, resident of
village - Lalpur, Police Station - Chautham, District - Khagaria.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate

For the State : Mr. Navin Kumar Pandey, APP

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

ORAL ORDER

2 20-09-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with
Chautham P.S. Case No.120 of 2017 registered under Sections
420, 406 and 120B/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioner
that the petitioner has falsely been implicated in the present case.
She has not received any amount from the informant of the case.
He has submitted that even if entire allegations made in the FIR
are taken to be true, the ingredients of the offence punishable
under Sections 406 and 420 of the Indian Penal Code would not be
attracted in view of the ratio laid down by the Supreme Court in
the matter of **Murari Lal Gupta vs. Gopi Chand, [(2005) 13**



SCC 699]. He has submitted that at best the allegation made in the FIR would attract a case of simple breach of contract for which a civil suit and not a criminal case would lie.

Regard being had to the nature of allegation, the submissions made above and the fact that the petitioner is a married lady having no criminal antecedent, she (Bandana Kumari) 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 learned Additional Chief Judicial Magistrate-II, Khagaria in connection with Chautham P.S. Case No.120 of 2017, 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 four weeks from today.

(Ashwani Kumar Singh, J)

Md.S./-

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