

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.499 of 2018

Arising Out of COMPLAINT No. -2163 Year- 2016 District- WESTCHAMPARAN(BETTIAH)

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1. Ramanand Sah @ Gupti Sah son of late Bishun Sah
 2. Omprakash Sah son of Ramanand Sah @ Gupti Sah
 3. Birendra Kumar @ Birendra Kumar Soni, son of Omprakash Sah.

All are resident of Inarawa Jhajhri, P.S.- Inarawa, District- West Champaran.

.... Petitioners

Versus

1. The State of Bihar
2. Krishana Murari Prasad Kushwaha son of Late Viga Prasad Kushwaha, resident of village+ P.O. + P.S.- Inawara, District- West Champaran.

.... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 11-01-2018 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

The petitioners seek pre-arrest bail in connection with Complaint Case No. 2163 (C) of 2016 in which cognizance has been taken under Sections 406, 323 and 504/34 of the Indian Penal Code.

It is submitted by the learned counsel for the petitioners that even if the entire allegations made in the complaint are taken to be true, the ingredients of the offences under which the complaint has been instituted would not be



attracted in view of the ratio laid down by the Supreme Court in **Murari Lal Gupta vs Gopi Singh [(2005) 13 SCC 699]**.

On the other hand, learned counsel for the complainant, who has appeared *suo motu* submitted that the complainant has been cheated to the tune of Rs.5 lacs and the petitioners after taking the amount have refused to execute the sale deed in favour of the complainant.

Regard being had to the nature of the allegations made in the complaint, in the event of arrest or surrender before the court below within six weeks from today, the petitioners named above 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 learned Judicial Magistrate, West Champaran, Bettiah in Complaint Case No. 2163 (C) of 2016, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J.)

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