

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.643 of 2018

Arising Out of PS.Case No. -81 Year- 2017 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Usha Devi, W/o Rangila Singh @ Pratap Singh, resident of Village- Baluachak, Beldarichak, P.S.- Gaurichak, District- Patna at present Village- Marchi, P.S.- Bypass, District- Patna
2. Gunjan Devi @ Guriya @ Guriyan Kumari, W/o Sonu Kumar, Son of Jai Gope, resident of Bari Patan Devi, Near Patan Devi Gate, Badarghat, P.O.+ P.S.- Alamganj, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jitendra Kumar, son of Shyam Babu Prasad, resident of Village- Barani Bazar, P.O.- Barani, P.S.- Dhanarua, District- Patna.

.... Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri Ram Sevak Choudhary
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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
counsel for the State.

The petitioners seek pre-arrest bail in connection
with Complaint Case No. 81(C) of 2017 registered under Sections
406, 420 and 120-B of the Indian Penal Code.

It is stated by the learned counsel for the petitioners
that the complaint has been instituted for a simple breach of
contract, which may attract a civil dispute but the ingredients of
the offences alleged under the Penal Code would not be attracted
even if the entire allegations made in the complaint are taken to be
true on its face value. In this regard, he has placed reliance on a



decision of the Supreme Court in ***Murari Lal Gupta Vs. Gopi Singh [(2005) 13 SCC 699]***.

Learned counsel for the State opposed the application for grant of pre-arrest bail of the petitioners.

Regard being had to 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 petitioners are directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Massaurhi in connection with Complaint Case No. 81(C) of 2017, 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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