

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.42934 of 2018

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Rajesh Kumar S/o Ram Swarup Yadav, R/o Vill.- Charka Pathar, P.S.-
Fatehpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate.

For the Opposite Party/s : Smt. Renu Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 19-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Bodh Gaya P.S.Case No. 133 of 2017 registered under
Sections 419, 420 & 34 of the Indian Penal Code and Section 10
of the Bihar Conduct of Examination Act.

It is submitted that though the F.I.R has been instituted
under Sections 419 & 420 as read with 34 of the Indian Penal
Code, the ingredients of the offence punishable under Sections
420 of the Indian Penal Code would not be attracted. At best, the
case could have been instituted for the offences punishable under
Sections 417 & 420 of the Indian Penal Code which are bailable
offences. Advancing the argument, it is contended that there is no
allegation of fraudulent or dishonest inducement pursuant to



which any property was delivered to the petitioner.

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

Considering the submissions made above as also the fact that co-accused Jitendra Kumar has already been granted pre-arrest bail by the Court below, in the event of arrest or surrender before the court below within four weeks from today, the petitioner 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, Bodh Gaya, in connection with Bodh Gaya P.S.Case No. 133 of 2017 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Pradeep/Sneha

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