

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.776 of 2018

Arising Out of PS.Case No. -81 Year- 2017 Thana -PATNA COMPLAINT CASE District- PATNA
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1. Jay Gope, Son of Late Jangali Gope, a resident of Mohalla-Bari Patan
devi, 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
Bajar, P.O.-Barani, P.S.-Dhanarua, District-Patna.

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

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Mouar

For the Opposite Party/s : Mr. Sri S. Ehteshamuddin
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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 12-01-2018 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioner seeks 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 petitioner
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 petitioner.

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 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 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)

Pradeep/-

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