

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26362 of 2018

Arising Out of PS.Case No. -5 Year- 2018 Thana -BELA INDUSTRIAL District- MUZAFFARPUR
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Ankit Kapoor S/o Late Ashok Kapoor, resident of B-102, RG City Centre,
Motia Khan, P.S.- Pahargunj, New Delhi-110055.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
: Mr. Anuj Kumar, Advocate
For the State : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 08-05-2018 Heard Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioner and Mr. Jitendra Kumar Singh, learned Additional Public Prosecutor for the State being assisted by Mr. Sourendra Pandey, learned Advocate.

The petitioner seeks pre-arrest bail in connection with Bela P.S. Case No.05 of 2018 registered under Sections 278, 284, 285, 287, 290, 420, 467, 468 and 120-B read with 34 of the Indian Penal Code.

It is submitted by Mr. Yogesh Chandra Verma, learned Senior Advocate for the petitioner that the offences alleged under Sections 278, 284, 285, 287 and 290 of the Indian Penal Code and



Section 11(d)(e)(l) of the Prevention of Cruelty to Animal Act, 1960 are all bailable in nature. He submitted that even if the entire allegations made in the first information report are believed to be true, the ingredients of the offences punishable under Sections 420, 467 and 468 of the Indian Penal Code would not be attracted as there is no allegation of fraudulent or dishonest inducement of a person by deceiving by the accused persons or the person so deceived to deliver any property to any person or to consent that any person shall retain any property. Similarly, there is no allegation of forgery of a document which purports to be a valuable security or a will or an authority which purports to give authority to any person to make or transfer any valuable security. There is also no allegation of committing forgery intending that the forged document shall be used for the purpose of cheating. Thus, he submitted that the first information report has been instituted by the officer-in-charge of the police station just in order to make the offences non-bailable.

On the other hand, Mr. Jitendra Kumar Singh, learned counsel for the State, submitted that though the petitioner was granted licence for running leather factory, he was running a Frozen Meat Processing Unit without any licence. He submitted that the alleged act of omission and commission on the part of the



petitioner would certainly constitute the offences alleged.

I have heard learned counsel for the parties.

Considering the nature of allegation and the facts and law pleaded before the Court, in the event of arrest or surrender in the court below within six weeks from today, the petitioner 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 Chief Judicial Magistrate, Muzaffarpur in connection with Bela P.S. Case No.05 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Ashwani Kumar Singh, J)

Md.S./-

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