

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.35875 of 2018

Arising Out of PS.Case No. -21 Year- 2018 Thana -PAUTHU District- AURANGABAD

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Ram Pyare Chaudhary son of Late Futungi Chaudhary, resident of Village-
Barpa Tola- Bahuwara, P.S.- Pauthu, District- Aurangabad.

.... Petitioner

Versus

The State of Bihar

.. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ajay Mishra, Advocate

For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 02-07-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Pauthu P.S. Case No. 21 of 2018 registered under Sections
406 and 420 read with section 34 of the Indian Penal Code.

It is submitted by the learned counsel for the
petitioner that even on admitted case of the informant as alleged
in the F.I.R, the ingredients of the offences punishable under
Sections 406 and 420 of the Indian Penal Code would not be
attracted against the petitioner. As per written report, he happens
to be one of the witnesses to the sale deed. In case any fraud has
been committed in execution of the sale deed, it is the vender



who alone can be held responsible for the same. The petitioner, who had simply identified the signature of the vendor, cannot be said to have committed any offence.

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

Considering the nature of allegation made in the F.I.R and the submissions made above, 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/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Aurangabad in connection with Pauthu P.S. Case No. 21 of 2018 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

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