

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5068 of 2016

Arising Out of PS.Case No. -26461 Year- 2014 Thana -PATNA COMPLAINT CASE District-
PATNA

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Chandan Kumar Tiwary, Son of Sri Prem Kumar Tiwary, Resident of
Pandariba Lane, Police Station - Khajekalan, District - Patna

.... Petitioner/s

Versus

1. The State of Bihar.
2. Sri Binod Kumar, S/o Late Jhabarmal Jaipuriya, Resident of B/33
Geetanjali Apartment, Shastri Nagar, P.S.- Shastri Nagar, Distt. - Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Rabindra Kumar, Advocate
Mr. Birendra Kumar Singh, Advocate
For the S t a t e : Mr. Umesh Lal Verma (APP)
For O.P. No.2 : Mr. Jagdhar Prasad, Advocate

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

8 09-11-2016 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is apprehending his arrest in
connection with Complaint Case No.26461 of 2014 for
allegedly having committed the offence under Section 420 of
the Indian Penal Code and Section 138 of the Negotiable
Instruments Act.

Learned counsel for the petitioner submits that as on
date, the petitioner has paid to the complainant a sum of
Rs.4,00,000/- plus the earlier deposited amount of
Rs.3,86,000/-. Thus, till date an amount of Rs.7,86,000/- has

been deposited to the complainant as against the allegation made against the petitioner.

Learned counsel for the informant, however, submits that a total of Rs.28,00,000/- is due from the petitioner and, therefore, unless and until he deposits an another amount of Rs.16,00,000/- as was proposed at the Mediation Centre, the petitioner should not be extended to any interim benefit.

Having heard learned counsel for the petitioner and the learned counsel appearing for the complainant, it appears that there is some dispute with regard to the calculation and the business in which both the partners participated. The said calculations, however, can well be resolved in the court below through the process of mediation under the supervision and guidance of the court concerned.

In view of such facts and circumstances and the fact that the petitioner has paid back to the complainant a *bona fide* amount to show his positive attitude, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bond of ₹10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Smt.

Suchitra Singh, learned Judicial Magistrate 1st Class, Patna, in connection with Complaint Case No.26461 of 2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Anjana Mishra, J)

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