

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19105 of 2024

Arising Out of PS. Case No.-3 Year-2022 Thana- SARAN COMPLAINT CASE District-
Saran

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Rakesh Kumar Tiwary @ Rakesh Tiwary, son of Mathura Prasad Tiwary
Village- Bhavthar P.S.- Duraganj Dist- Bhadohi (U.P.)

... .. Petitioner/s

Versus

1. The State of Bihar
2. Lilawati Devi wife of Laxman Yadav Village- Doriganj Bazar Ps- Doriganj
Dist- Saran, P/A- Lalganj Gram Meg Tiwari Ka Tola Ps- Kokati Dist- Baliya
U.P

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Mishra, Advocate
For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 03 of 2022, instituted under Sections
406, 420, 323, 504 and 506 of the Indian Penal Code.

3. As per the prosecution case, complainant had given
total Rs. 3,25,000/- to the petitioner but on demand he did not
return the same.

4. Learned counsel for the petitioner submits that
petitioner has falsely been implicated in this case. Petitioner has
returned the entire amount to the complainant but *malafidely* the
complainant has filed the complaint case. The matter is of civil



nature. Petitioner has no criminal antecedent. He undertakes to co-operate in trial.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

6. Considering the facts and circumstances of the case and submission of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court where the case is pending in connection with Complaint Case No. 03 of 2022, subject to the conditions laid down in Section 438 (2) of the Code of Criminal Procedure, 1973.

(Sunil Dutta Mishra, J)

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