

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42455 of 2024

Arising Out of PS. Case No.-683 Year-2023 Thana- PATNA COMPLAINT CASE District-
Patna

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Dr. Ashutosh Trivedi @Ashutosh Trivedi, Male, aged about- 50 years, Son of-
Late Kapil Deo Trivedi, Resident of- Oro Dental Clinic, East Boring Canal
Road, Patna 800001. Also At- Resident of - Flat no. 907, B-Block, Expression
Exotica Apartment, Gola Road, P.S.- Rupaspur, District Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. Dr. Vimal Vibhakar S/O late Harendra Nath Pandey R/O Gola Road(near
Sonu Market), Ramjaipal Nagar, P.S. Rupaspur, Distt-Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Ankur Apurv Singh, Advocate Mr. Abhishek Kumar Singh, Advocate
For the Complainant	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Nishant Kumar, Advocate
For the Opposite Party/s	:	Mr. Kalyan Shankar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 04-10-2024 Heard Mr. Krishna Prasad Singh, learned senior

counsel assisted by Mr. Ankur Apurv Singh and Mr. Abhishek

Kumar Singh, learned counsels appearing on behalf of the

petitioner; Mr. Yogesh Chandra Verma, learned senior counsel

assisted by Mr. Nishant Kumar, learned counsel appearing on

behalf of the complainant and Mr. Kalyan Shankar, learned APP

for the State.

2. Petitioner seeks regular bail in connection with

Complaint Case No. 683 of 2023 registered for offences

punishable under Sections 406 and 420 of the Indian Penal Code

and Section 138 of the N.I. Act.



3. As per the allegation made in the FIR, the petitioner has duped the complainant for money.

4. Both the parties have shown their desire to settle the dispute amicably.

5. Considering the nature of allegation made in the FIR, which has been lodged under Sections 406 and 420 of the Indian Penal Code and Section 138 of the N.I. Act, the petitioner has been able to show that he has returned a sum of Rs. 26,45,000/- out of 60,00,000/- to the complainant. It is agreed between the parties that they will settle the dispute amicably and, therefore, keeping the petitioner behind the bar will only litigate the matter further. Considering the relationship between the parties, who are close friends and their desire to settle the dispute amicably within a considerable period of time agreed between them, I don't find to pass any order on merits.

6. Learned District Court is directed to release the petitioner, above named, on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Danapur, in connection with Complaint Case No. 683 of 2023 subject to the following conditions:

(i) Bailors should be local having sufficient



immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(v) The learned District Court is directed to verify the criminal antecedent of the petitioner as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner as what has been stated in paragraph no. 3, this order will lose its force automatically.

7. It goes without saying that in case of failure or before that, the complainant has every right to avail appropriate remedy in accordance with law.

Niraj/-
ashishsingh/-

(Purnendu Singh, J)

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