

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82969 of 2023

Arising Out of PS. Case No.-497 Year-2022 Thana- NAGAR District- Vaishali

Satish Kumar Singh S/O Ram Naresh Singh Resident Of Village- Baluraj Tole
Bankat, P.S.- Motipur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rabindra Kumar Tiwary, Advocate
For the Informant	:	Mr.Dhananjay Kumar Tiwary, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 18-04-2024 Heard Mr. Rabindra Kumar Tiwary, learned counsel
appearing on behalf of the petitioner Mr. Dhananjay Kumar
Tiwary, learned counsel for the informant and Mr. Ajit Kumar,
learned APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Hajipur Town P.S.Case No.497 of 2022, registered for the
offences punishable under Sections 420 and 406 of the Indian
Penal Code .

3. As per the allegation made in the FIR, the
informant and the petitioner are in business term. It is alleged by
the informant that he has transferred Rs.2.30 lac on 20.06.2022
into the account of the petitioner's company, namely, EXITO
ONE Company having its office at Satyanagar Punjabi Colony,



Bhuvneshwar, though the cause title of the petitioner is defective.

4. Mr. Rabindra Kumar Tiwary, learned counsel appearing on behalf of the petitioner has tried to convince that in the FIR, the detail of the petitioner (Satish Kumar Singh) has been given to be owner of company, namely, EXITO ONE Company situated at Bhuvneshwar and the detail information of the company is mentioned in paragraph no.4 of the bail application.

5. Considering the aforesaid information, it appears that the petitioner is the owner of EXITO ONE company situated at Atyanagar Punjabi Colony at Bhuvneshwar and further coming to the merits of the case, learned counsel for the petitioner has submitted that the informant, in terms of the purchase order, has not complied with the terms and conditions as mentioned therein. It is alleged that even after 20 % advance money was transferred into the account of the petitioner by the informant, remaining amount was required to be paid after loading of the materials on the Truck.

6. Mr. Dhananjay Kumar Tiwary, learned counsel has tendered his appearance on behalf of the informant and has submitted that it is the petitioner, who has violated the terms and



conditions of the purchase order, which was already communicated to him on 18.06.2022 and the same has been accepted by the petitioner and subsequent to that the informant transferred a sum of Rs.20,000/- on 20.06.2022 into the bank account of the petitioner.

7. At this stage, both the parties jointly seek some time so that they can settle their dispute relating to certain transactions in course of their business, in amicable manner.

8. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

9. Having considered the rival submissions made on behalf of the parties, as well as, the desire of the parties that they want to settle their dispute amicably relating to certain business transaction between them on mutual agreed terms and conditions, the petitioner is directed to be released on **provisional bail** in connection with Hajipur Town P.S.Case No.497 of 2022, subject to conditions as laid down under Section 438(2) of the Cr.P.C. and the learned district court deems fit and proper.

10. In the meantime, both the parties are directed to produce their balance-sheet duly audited by the Chartered Accountant and the income tax return filed before the Income



Tax Department to ascertain the exact amount, which has been transferred into the account of the petitioner, and it is well audited and also for taking into consideration the books of the account of the petitioner, as well as, the informant.

11. If both the parties resolve their dispute relating to the business transaction on mutual terms and conditions, the provisional bail granted to the petitioner shall be made absolute, otherwise, this order will lose its force.

12. With the above observation/direction, the present bail application stands disposed of.

(Purnendu Singh, J)

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