

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84524 of 2023

Arising Out of PS. Case No.-1586 Year-2019 Thana- GOPALGANJ COMPLAINT CASE
District- Gopalganj

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SANTOSH KUMAR TIWARI, male, aged about 45 years, SON OF LATE
RAM CHANDRA TIWARI, R/O VILLAGE - TIWARI MATIHANIYA, P.S.-
BISHAMBHARPUR, DISTRICT- GOPALGANJ

... .. Petitioner/s

Versus

1. The State of Bihar
2. BHANU PRATAP SINGH, S/O LATE PRABHUNATH SINGH R/o
VILLAGE- BARWA KAPARPURA, PS. HATHUA, DIST. GOPALGANJ.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s	:	Mr. Bhanu Pratap Singh, APP
For the complainant	:	Ms. Nikita Mittal, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-04-2024 Heard Mr. Sanjay Kumar Jha, learned counsel

appearing on behalf of the petitioner; Mr. Bhanu Pratap Singh

learned APP for the State and Ms. Nikita Mittal, learned counsel

for the complainant.

2. The petitioner seeks pre-arrest bail in connection
with C. Case No.1586 of 2019, arising out of Tr. No.601/22
registered for the offence(s) punishable under Sections 420, 406
of the Indian Penal Code and Section 138 of the N.I. Act.

3. As per the allegation made in the complaint, the
petitioner cheated the complainant by giving him a forged
cheque of Rs.2,50,000/-.



4. Learned counsel appearing on behalf of the petitioner submitted that petitioner is ready to return the entire amount in favour of the “Bhanu Cement Store” or in the name of the complainant for having accepted that the cheque was issued by the petitioner himself, for which, he seeks some time, so that he can arrange money and return back to the complainant.

5. Ms. Nikita Mittal, learned counsel, has tendered her appearance on behalf of the complainant and finds it proper that complainant is concern about the return of the amount, which has been mentioned in the cheque within a specified time.

5. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail.

6. Having considered the rival submissions made on behalf of the parties and the record reveals that the petitioner and the complainant are in business terms and in course of business, the petitioner has issued a cheque amounting to Rs.2,50,000/- which was not cashed due to non-operation of the bank account of the petitioner since the year 2016 and also considering the fact that the petitioner has accepted to have issued the cheque No.000037, relating to account



No.5754281100000, which already became in-operational from 30.12.2016, **in case, the petitioner returns the entire amount to the complainant within a period of six weeks**, the petitioner, above named, is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the Court below within a period of eight weeks from today, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Gopalganj in connection with C. Case No.1586 of 2019, arising out of Tr. No.601/22, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. In case, the petitioner don't return the entire amount within the aforesaid period of six weeks, this order will automatically lose its force.

8. The bail application stands disposed of.

(Purnendu Singh, J)

Sanjay/-

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