

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61993 of 2024

Arising Out of PS. Case No.-50 Year-2019 Thana- PATNA COMPLAINT CASE District-
Patna

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Dr. Setubandhu Tiwary Son of Shambu Tiwary, Resident of Village + P.O. -
Sahiyara, P.S. - Sahiyara, District - Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satya Prakash Kumar Son of Anuj Kumar, Resident of Village-Jahana
Aanail, P.S. -Akbarpur, District - Nawada

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Gaurav Govind, Advocate
For the Opposite Party/s	:	Mr.Ajit Kumar, APP
For O.P.No.2	:	Mr.Ram Ji Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

5 29-01-2025 Heard Mr. Gaurav Govind, learned counsel appearing
on behalf of the petitioner; Mr. Ajit Kumar, learned APP for the
State and Mr. Ram Ji Kumar, learned counsel for O.P.No.2.

2. Petitioner seeks pre-arrest bail in connection with
Complaint Case No.50/19, registered for the offences
punishable under Section 406 of the Indian Penal Code.

3. A partnership agreement for running surgical clinic
in the name and style as “Surgical Clinic” was executed
between the parties but the dispute arose between the parties in
respect of expenses and the profit of the Clinic allegedly the
petitioner issued a cheque bearing No.10381 dated 15.09.2018
of the State Bank of India in favour of O.P.no.2 (complainant)



amounting to Rs.3,49,900/- but the same was taken back by the petitioner.

4. Today, both the parties are agreed to sit together and resolve their dispute amicably and the learned counsel appearing on behalf of the petitioner has also submitted that he has received instruction that the petitioner will get the cheque dated 15.09.2018 revalidated or he will hand over a fresh cheque to O.P.no.2.

5. I find that the intention of the petitioner has been informed by the learned counsel in the Court that the petitioner is willing to return the money to O.P.no.2 and resolve the dispute amicably. The petitioner has *prima facie* made out a case to be released on pre-arrest bail.

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

7. Having considered the rival submissions made on behalf of the parties, as well as, both the parties are agreed to resolve their dispute amicably, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court within a period of four weeks from today, on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of learned J.M. Ist class, Patna City/concerned court, in connection with Complaint Case No.50/19, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

8. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

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