

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.331 of 2016**

Arising Out of PS.Case No. -717 Year- 2015 Thana -BETTIAH TOWN District-  
WESTCHAMPARAN(BETTIAH)

=====

1. Sanjay Kumar Son of Late Vyas Prasad resident of Banuchhapar, P.S. -  
Bettiah (Muffasil), District - West Champaran.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Jai Kumar S/o Late Lalkun Yadav, Head of Department of Physics,  
Ramlakhan Singh Yadav College, Bettiah, West Champaran, R/o  
Koiritola, Ward No. 37, P.S. Bettiah Town, District West Champaran.

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Bimlesh Kumar Pandey  
For the State : Mr. Manish Kumar-Ii(App)  
For the O.P. No.2 : Mr. Ramakant Sharma  
Mr. Sanjeev Kumar Srivastava

=====

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

4      05-05-2016                      Heard learned counsel for the petitioner, learned  
counsel for the O.P. No.2, and learned counsel appearing on  
behalf of the State.

The petitioner is apprehending his arrest in  
connection with Bettiah Town P.S. Case No. 717/2015 registered  
for the offences punishable under Sections 406, 420 of the Indian  
Penal Code and Section 138 of N.I. Act.

Learned counsel for the petitioner submits that three  
cheques of Rs. 4,30,000/- which is alleged to have been given to  
the petitioner was admittedly given to the accused namely Rajesh  
Kumar. The said fact has been accepted by Rajesh Kumar and in

token thereof he has issued the cheque in favour of O.P. No.2, which was also returned by the Bank.

In view of the fact that liability has been accepted by co-accused Rajesh Kumar the prosecution against the present petitioner seems to be futile exercise.

In view of the aforementioned fact and circumstances, let the petitioner above named, in the event of his arrest or surrender before the Court below within a period of four weeks from the date of receipt/production of a copy of this order, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran in connection with Bettiah Town P.S. Case No. 717/2015 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Anjana Mishra, J.)**

Amit/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|