

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50428 of 2018

Arising Out of PS. Case No.-463 Year-2016 Thana- CHAPRA TOWN District- Saran

Sanjay Prasad S/o Late Baijnath Sah, R/o Vill.- Sadha , P.S.- Muffasil,
District- Saran at Chapra.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Suresh Prasad S/o Devpujan Prasad, R/o Vill.- Sadha Mohan Nagar, Behind
Brahmin High School, P.S.- Town, District- Saran At Chapra, Mob No.
8271055699.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Satyadev Prasad Singh Yadav

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

7 08-03-2019 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner apprehends his arrest for the offences alleged under Sections 406 and 420 IPC and Section 138 of the N.I. Act registered in connection with Saran (Town) P.S. Case No. 463 of 2016.

3. It is submitted that the petitioner has been falsely implicated and the cheques in question related to payment for purpose of purchase of land through the complainant/informant and his associates. The transaction however, did not materialise. The falsity of the case as apparent from the very fact that there is inordinate delay in filing the complaint on 30.07.2016 whereas three of the cheques had been issued in the year 2013 and the 4th in the year 2015. There is not a chit of paper to corroborate the claim of the complainant/informant that any money was advanced to the petitioner. The petitioner is in service in the Indian Army and claims clean antecedents.

4. Learned counsel for the complainant/informant appears and opposes the anticipatory bail petition but, however, is unable to produce any material to support the claim of payment of money to the



petitioner.

4. Be that as it may, in the event of the petitioner's arrest or surrender before the court below within six weeks from the date of communication of this order, let the above named petitioner be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned CJM, Saran at Chapra, in connection with Saran (Town) P.S. Case No. 463 of 2016, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and also subject to the following further conditions:

- i. That one of the bailors shall be a close relative of the petitioner.
- ii. That the petitioner shall not indulge in any similar offence till conclusion of the trial.
- iii. That the petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.
- iv. The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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