

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 47639 of 2015

Arising Out of PS.Case No. -196 Year- 2015 Thana -PURNEA SADAR District- PURNEA

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Vikash Chouhan S/o Jiten Chouhan, Village - Chouhan Tola, Khuskibagh,
P.S. Sadar (Purnia), District - Purnia.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

3 04-11-2015

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in Sadar P.S.
Case No. 196 of 2015 dated 05.06.2015 instituted under
Sections 294A/420 of the Indian Penal Code and 7(3) of the
Lottery Regulation Act, 1998.

The allegation against the petitioner is that he
along with co-accused Devnandan Poddar, who was caught at
the spot were indulging in sale of illegal lottery tickets.

Learned counsel for the petitioner submits that
he was not caught at the spot and only on the statement made
by the co-accused, who was caught, he has also been roped as
an accused. It is submitted that such evidence cannot be
accepted for the purposes of fastening liability on the petitioner
unless some other corroborative material comes to show that
the petitioner was involved in the said racket. It is further
submitted that due to local politics, the name of the petitioner
has been mentioned by the co-accused and further that the

petitioner has no criminal antecedent.

Learned A.P.P. opposes the prayer for anticipatory bail and submits that the petitioner is named in the F.I.R. and the police had spotted two persons indulging in sale of illegal lottery tickets and one person out of the two who was caught on the spot itself, took the name of the petitioner and thus there cannot be any false implication as his name has not come during investigation. It is submitted that for the purposes of the F.I.R. and the investigation, the informant furnished by the co-accused is sufficient to prima facie indicate the involvement of the petitioner and thus he does not deserve the privilege of anticipatory bail.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on anticipatory bail.

The application, accordingly, stands dismissed.

However, in the event the petitioner surrenders and prays for bail before the Court below, the same shall be considered on its own merits taking into consideration the submissions made on behalf of the petitioner, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

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