

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17873 of 2016

Arising Out of PS.Case No. -255 Year- 2015 Thana -MALSALAMI District- PATNA

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Diraj Yadav @ Dhiraj Yadav son of Late Sursh Yadav, resident of village-
Chutkiya Bazar, P.S.- Malsalami, District- Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate

For the Opposite Party/s : Mr. A.M.P.Mehta(APP)

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 05-05-2016 Heard learned counsel for the petitioner and

the learned A.P.P. for the State.

Petitioner apprehends his arrest in

connection with Malsalami P.S. Case No. 255 of 2015

registered for offences punishable under Sections 420,

290 of the Indian Penal Code and Section 11 of Bengal

Public Gambling Act.

The prosecution case, in brief, is that the

informant on secret information reached the place of

occurrence and found that gambling business is going on.

Amongst the accused persons, informant succeeded in

apprehending one accused, Sunil Kumar @ Sonu, who

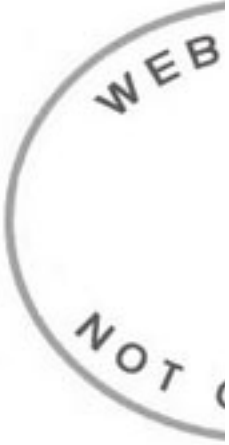
disclosed that petitioner was running the gambling

business without having licence for the same.

It has been submitted by the learned counsel for the petitioner that petitioner is innocent and nothing has been recovered from his possession, but on the basis of the confessional statement of co-accused, Sunil Kumar @ Sonu, petitioner has been implicated in the aforesaid case. It has further been submitted that except one another case of different nature of offence, petitioner is not accused in any other case. Counsel for the petitioner further submits that co-accused Sunil Kumar @ Sonu, who was apprehended by the police at the spot, is on inimical terms with this petitioner and no case under Section 420 of the Indian Penal Code is made out against him.

However, learned A.P.P. for the State submits that the name of the petitioner has surfaced on the basis of confessional statement of co-accused, who was apprehended at the spot, hence, opposes the prayer for bail.

Be that as it may, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of eight weeks from today,



be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Patna City in connection with Malsalami P.S. Case No. 255 of 2015, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Nilu Agrawal, J.)

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