

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2751 of 2017

Arising Out of PS.Case No. -555 Year- 2009 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

=====

Santosh Kumar, son of Late Raghubir Prasad, resident of Mohalla- Soda
Godam Chowk, P.S. Town Muzaffarpur, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner : Mr. Devendra Kumar, Advocate

For the Opposite Party : Mr. Sunil Kumar Pandey (APP)

=====

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 28-01-2017 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner apprehends his arrest in connection
with Muzaffarpur Town P.S. Case No. 555 of 2009, registered for
the offences punishable under Sections 419, 420, 467, 468,
120(B)/34 of the Indian Penal Code and Section 3/4 of the lottery
Act.

Allegedly, in the hut type house of the petitioner play
of lottery is going on and then raid was conducted and Md. Dabloo
was arrested with incriminating articles and further other person
were also arrested with incriminating articles.

Submission is of false implication and that the
petitioner was not arrested at the spot, nothing has been recovered,
the hut is not of the petitioner and only on the basis of disclosure



made by other accused, the petitioner has been made accused. The petitioner is not concerned with the recovered article or the hut. The petitioner is man of means having good moral character. He has got no criminal antecedent and, as such, he deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that in the house of the petitioner lottery was being played illegally.

In the facts and circumstances as stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with Muzaffarpur Town P.S. Case No. 555 of 2009, pending in the Court of learned Chief Judicial Magistrate, Muzaffarpur.

However, in case and if so advised the petitioner surrenders and seeks regular bail then his prayer for regular bail shall be considered preferably on the same day on its own merits without being prejudiced by the order of this Court.

(Jitendra Mohan Sharma, J.)

Rajiv/-

U		T	
---	--	---	--

