

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16745 of 2019

Arising Out of PS. Case No.-15 Year-2019 Thana- RAFIGANJ District- Aurangabad

MANOJ PRASAD @ LALLU @ MANOJ PRASAD GUPTA Son of Baijnath
Sao @ Khelawan Sao, Resident of Village- Thana Gali, Rafiganj, Police
Station- Rafiganj, District- Aurangabad (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh

For the Opposite Party/s : Mr.Dashrath Mehta

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-03-2019 Heard learned counsels for the petitioner and the
State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Sections 420, 120B of the IPC
and Section 7 of the Lotteries (Regulation) Act, 1998.

The prosecution case, as per the written report of A.S.I.,
Mukesh Kumar Bhagat submitted to the Station House Officer,
Rafiganj Police Station, is to the effect that on 13.01.2019, on
the basis of a secret information that some persons are indulged
in the business of lottery, a raid was laid when on seeing the
police party all the persons started fleeing away from the scene,
but on chase being made by the police, five accused persons
were apprehended. Subsequently, the apprehended co-accused



persons disclosed that they run the business of lottery in the care of the petitioner.

It is submitted by learned counsel for the petitioner that neither the petitioner was apprehended from the spot nor any recovery has been made from his conscious physical possession, but simply on the basis of confessional statement of apprehended co-accused, he has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP submits that the apprehended co-accused suggested the name of the petitioner as a persons under whose care the business of lotteries was going on.

Considering the that fact that the name of the petitioner sprang up on the basis of confessional statement apprehended co-accused, there being no recovery from the conscious physical possession of the petitioner, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on anticipatory bail in the event of arrest/surrender before the learned Court below within a period of twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to



the satisfaction of learned CJM, Aurangabad in connection with
Rafiganj P.S. Case No. 15 of 2019 subject to the condition as
laid down under Section 438(2) of the Cr. P.C.

(Dinesh Kumar Singh, J)

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