

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8447 of 2020

Arising Out of PS. Case No.-109 Year-2014 Thana- LAUKARIA District- West Champaran

KAILASH RAM Son of Dukh Haran Ram Resident of Village-Ward no.7,
Nawatanwa, P.S.-Samara, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-06-2020 The present petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned counsel for the petitioner and
Shri Choubey Jawahar, the learned APP for the State.

The petitioner apprehends his arrest in connection with Laukariya P.S. Case No. 109 of 2014 for the offence punishable under Sections 420 of the Indian Penal Code and 3/4 of Bengal Gambling Act, 1867.

The accusation against the petitioner is regarding his name being disclosed by the co-accused persons and he is stated to be engaged in gambling activity along with co-accused person namely Shambhu Sah and others at the house of the said Shambhu Sah.



The learned counsel for the petitioner has submitted that the petitioner is innocent, is having a clean antecedent and has been falsely implicated in the present case. It is further submitted that neither the petitioner has been arrested from the spot nor there is any material on record to show the complicity of the petitioner in any sort of gambling activity.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available in the case diary, I am of the view that prima facie benefit of doubt can be given to the petitioner herein for the purposes of grant of anticipatory bail in view of the fact that raid has been conducted by the police in the house of co-accused Shambhu Sah and not at the house of the petitioner herein, hence the complicity of the petitioner in the alleged gambling activity is not corroborated by the materials on record and moreover, the petitioner is having a clean antecedent, hence, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

Accordingly, in the event of arrest or surrender in the court below within a period of four weeks from today, the petitioner, above named, is directed to be released on



anticipatory bail on furnishing bail- bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate- 1st Class, Bagaha, West Champaran, in connection with Laukariya P.S. Case No. 109 of 2014, subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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