

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27384 of 2023

Arising Out of PS. Case No.-368 Year-2022 Thana- PATNA CITY CHOWK District- Patna

ARVIND RAI @ ARVIND KUMAR YADAV @ JUGAR Son of Rambabu
Rai R/O Nepali Kothi, Kila Road, PS- Chowk, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar

For the Opposite Party/s : Mr. Kumar Veerendra Narayan

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 21-07-2023 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 420 and 34
of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
petitioner is a person with fourteen antecedent but out of
fourteen cases, twelve cases are of Excise Act and two cases are
of Copyright Act, it is next submitted that once a person is
implicated in Excise case, thereafter, in a mechanical manner,
the police implicates him in other cases, it is also submitted that
the petitioner in all the cases of excise was never apprehended
from the spot and he was implicated subsequently either based
on secret information or on confessional statement. It is further



submitted that the informant alleges that Vicky was arrested on informant of gambling from the place of occurrence and he disclosed that gambling business is operated by the petitioner who fled.

4. Learned counsel for the petitioner submits that the petitioner was not apprehended from the spot as such nothing was recovered from his conscious possession, it is next submitted that even presuming what has been alleged is true without admitting then the allegation is that the informant received information that some accused persons were indulging in gambling based on which they reached the place of occurrence from where Vicky was arrested, it is next submitted that Section 11 of the Gambling Act is bailable and no offence under Section 420 of the IPC is made out in the nature of allegation as alleged in the FIR but only in order to make the offence non-bailable, Section 420 of the IPC has been added.

5. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on



anticipatory bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Chowk P.S. Case No. 368 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. One of the bailor of the petitioner shall be his father Ram Babu Rai.

(Satyavrat Verma, J)

HarshPandey/-

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