

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47338 of 2023

Arising Out of PS. Case No.-537 Year-2022 Thana- MALSALAMI District- Patna

Devendra Rai @ Devendra Prasad Son of Nagina Rai, Resident of Mohalla-Kaukhoh, P.S.-Chowk (Patna City), District-Patna. At present Mohalla-Naruddineganj, P.S.-Malsalami, District-Patna

... .. Petitioner

Versus

The State Of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh, Advocate

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Malsalami P.S. Case No. 537 of 2022 registered for the offences punishable under Sections 420, 467, 468, 471/34 of the Indian Penal Code. He has got no criminal antecedent.

3. As per the prosecution story, during patrolling duty the informant- Sudhir Kumar Yadav, ASI in Malsalami Police Station got information that gambling and guessing are being conducted by Devendra Rai (petitioner) and Bhola Rai in their house. When police reached their house, two persons fled and the police recovered various incriminating articles. The police caught two persons who revealed the name of the petitioner and



one Bhola Rai.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that no incriminating article has been recovered from the house of the petitioner.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having regard to the facts and circumstances of the case that the seizure list is showing recovery of the alleged incriminating articles from the possession of co-accused Rohit Kumar and Mukesh Kumar, the petitioner has been implicated in this case alleging that he was allowing gambling in his house, however, the petitioner has otherwise no criminal antecedent, in these circumstances, this Court directs that in case of his arrest or surrender within a period of four weeks from today, the petitioner above named be released on bail in connection with Malsalami P.S. Case No. 537 of 2022 on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of C.J.M., Patna City, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

7. And further condition that the court below shall



verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

8. This application stands allowed.

(Rajeev Ranjan Prasad, J)

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