

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25011 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- KHAJEKALA District- Patna

Rakesh Kumar @ Rakesh Lal Son of Bharat Lal Resident of Village- Ranipur,
P.S.- Khajekalan, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-05-2024 Heard Mr. Pramod Kumar, learned counsel for the
petitioner and Mr. Anuj Kumar Shrivastava, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with P.T.N 3585/2023 arising out of Khajekalan P.S. Case No. 318 of 2023, F.I.R. dated 06.08.2023 for the offences punishable under Section 420 of the Indian Penal Code, Sections 5, 6 and 7 of Lottery Act and Section 11 of Bengal Gambling Act.

3. According to prosecution case, several articles of gambling have been recovered from the garage of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that it appears from the F.I.R that on the basis of suspicion the name of the petitioner has been



implicated in the present case. He further submits that it also appears from the F.I.R as well as seizure list that calculator, pen, playing card, currency notes and coins of different denomination and other articles related with gambling have been recovered from the house of the petitioner. He further submits that as per the seizure list nothing has been recovered from the conscious possession of the petitioner and the petitioner was not indulged in the gambling.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that number of articles have been recovered from the house of the petitioner and apart from that the petitioner carries one criminal antecedent other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Patna city in connection with



P.T.N 3585/2023 arising out of Khajekalan P.S. Case No. 318 of 2023, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. 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.

(Rajesh Kumar Verma, J)

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