

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42142 of 2024

Arising Out of PS. Case No.-194 Year-2024 Thana- JAMUI District- Jamui

=====

Bikash Kumar @ Chandu S/O Raj Kumar Keshri R/O Mohalla- Mahrajganj,
P.S.- Jamui, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Tewary, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 25-09-2024 Heard Learned Counsel for the petitioner and

Learned A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Jamui P.S. Case No. 194 of 2024, lodged on 29.03.2024, under
Sections 420, 414, 411, 120B/34 of the Indian Penal Code and
Section 7 of Lotteries (Regulation) Act, 1998 and Sections 4 and
5 of the Bihar Ban on Lottery Act.

3. As per the prosecution case, the F.I.R. has been
lodged against two named and other unknown accused persons
against whom there is an allegation that they are involved in
fraud offence by virtue of selling lottery tickets, as lottery
tickets were recovered from the possession of the accused
persons.

4. Learned Counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel submits that the name of the petitioner has been inserted at the instance only due to the reason that there were three criminal cases pending against the petitioner and in all cases, he is on bail. Counsel submits that Sections 411 and 414 of the Indian Penal Code are not applicable in the present case and that Sections 421, 120B and 34 of the Indian Penal Code are not sustainable on the basis of allegation made. Counsel submits that Bihar Ban on Lottery Act, 1993 is inapplicable as the said law has been declared *ultra vires* and as per Section 7 of the Lottery Regulation Act, 1998, the petitioner is not responsible due to the reason that he neither conducted nor promoted any lottery tickets. Counsel further submits that the petitioner is neither seller nor distributor of the said lottery ticket. Counsel also submits that petitioner has three criminal antecedents and he is in custody since 30.03.2024.

5. Learned Counsel for the State opposes the prayer for bail and submits that from the petitioner's possession huge amount of lottery tickets were recovered which has been marked as L- 9 in the seizure list. Counsel further submits that antecedent of the petitioner is not clean and he is involved in similar nature of cases.



6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Jamui, in connection with Jamui P.S. Case No. 194 of 2024 subject to the following conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bonds by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

7. Pending cases against the petitioner are as follows:-

(I) Jamui P.S. Case No. 386 of 2019

(ii) Jamui P.S. Case No. 695 of 2019

(iii) Jamui P.S. Case No. 561 of 2023

(Dr. Anshuman, J.)

Aman Kumar/-

U		T	
---	--	---	--

