

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53565 of 2024

Arising Out of PS. Case No.-373 Year-2024 Thana- FORBESGANJ District- Araria

Shankar Yadav son of Late Nand Lal Yadav Village- Dharmashala Chowk
w.No-16, Ps- Forbesganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kishore Bharti
For the Opposite Party/s : Mr.Rita Verma

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 28-08-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 420/34 of the Indian Penal Code and Section 3/4 of the Bihar Ban of Lottery Act.

3. As per FIR, six persons were arrested by the police with several Ban Lottery Articles and cash. It is alleged that the petitioner succeeded to escape from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He submits that neither the petitioner was arrested on the spot nor anything has been recovered from his possession. He submits that the petitioner has no concern with the seized lottery tickets or cash nor he was ever indulged in such illegal business



of lottery ticket. He further submits that petitioner has two criminal antecedents of similar nature as stated in para-3 of the bail application.

5. Learned APP for the State opposes the prayer for bail.

6. Considering the nature of offence, I am not inclined to enlarge the petitioner on bail. Accordingly, his prayer for anticipatory bail is rejected in connection with Forbesganj P.S. Case No. 373 of 2024.

7. However, if the petitioner surrenders before the learned court below within a period of six weeks from today and prays for regular bail, the same shall be considered by the learned court below on the same day without being prejudiced by this order. Learned counsel below is also directed to consider the Apex Court judgment in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation & Anr. reported in (2022) 10 SCC 51** and in the case **Arnesh Kumar Vs. State of Bihar reported in (2014) 8 SCC 273**.

(Anjani Kumar Sharan, J)

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