

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.54717 of 2015

Arising Out of PS.Case No. -496 Year- 2013 Thana -BARAUNI District- BEGUSARAI

Rajeev Kumar @ Rajeev Singh, Son of Late Ujagar Singh, resident of
Village - Bihat, P.O. - Bihat, P.S. - Barauni, District - Begusarai.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramakant Sharma, Senior Advocate
Mr. Arun Kumar, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 09-12-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Barauni (F.C.I.) P.S. Case No. 496 of 2013 registered under
Section 120-B of the Indian Penal Code and Sections 3, 4, 5 & 6
of the Prevention of Immoral Traffic Act, 1956.

It is contended that no offence under Sections 3, 4, 5
& 6 of the Prevention of Immoral Traffic Act is made out
against the petitioner. The present case is out and out on the
basis of manipulated and fabricated story. The conduct of the
then Nodal Officer at whose behest the present case has been



lodged is under scrutiny by the senior police officers and by notification issued by the Home Police Department, as contained in Memo No. 6562 dated 07.08.2014, the investigating officer of the case, who was also a member of the raiding team has been suspended with immediate effect on the charges of negligence, indiscipline, suspicious character, immorality and ineligible police officer. It is also contended that one Suman Kumari has lodged Complaint Case No. 2206 of 2013 before the learned Chief Judicial Magistrate, Begusarai against the police Inspector and other police officials, in which witnesses have already been examined during inquiry and on the basis of allegation made in the complaint, the learned Magistrate has found a prima facie case to be made out. It is further contended that the occupants of different rooms gave their satisfactory explanation, but without verifying the real facts, the FIR has been instituted in utter haste.

Learned counsel for the State has opposed the application for anticipatory bail. He has contended that it is not the stage to consider the defence of the accused. The petitioner being owner of the hotel is fully responsible for the illegalities highlighted in the FIR.

Regard being had to the facts and circumstances of the case, in the event of arrest or surrender in the court below

within four weeks from today, the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, Begusarai in connection with Barauni (F.C.I.) P.S. Case No. 496 of 2013 subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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