

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26185 of 2016

Arising Out of PS.Case No. -143 Year- 2016 Thana -BUXAR District- BUXAR

1. Badri Narayan Tiwary @ Badri Nath Tiwary Son of late Sheo Pujan Tiwary Resident of Village- Girdharpur, Police Station Sikraul in the district of Buxar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Pd. Sinha, Sr. Advocate
Mr. Ranjeet Kumar, Advocate
Mr. Sushil Kumar

For the Opposite Party/s : Mr. Pancha Nand Pandit, A.P.P.

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-08-2016 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner apprehends his arrest in connection with Buxar (Town) P.S.Case No. 143 of 2016 registered for the offence punishable under Sections 420/ 34 of the I.P.C. and Sections 4,5, 6 and 7 of the Immoral Traffic (Prevention) Act.

The prosecution case as per the written report of Sub Inspector Dharmendra Kumar is that on 09.04.2016 at about 12.45 (noon) after receiving information about the petitioner that he was running business of immoral trafficking in the ground floor of his house, situated at Civil lines, Buxar since last few months and upon such information he rushed on the spot and raided before

two independent witnesses, namely Deepak Singh and Haridwar Singh. Two male persons and two female were caught. They also stated that Badri Narayan Tiwary (petitioner) is running the business of immoral traffic and brought both female for prostitution and after search the police found 35 unused condoms, five mobiles and two sun glasses and during this period the petitioner fled away. Thereafter, police prepared seizure list and arrested the male persons and handed over both females to their family members.

It has been submitted by the learned counsel for the petitioner that he is a headmaster in Sanskrit Middle School, Girdharpur and the house belongs to his wife Amiya Dwivedi, who has purchased the land in the year, 2015 by registered sale deed, which finds place at Annexure-2 of this application. He submits that one portion of the house has been given on rent to one Gunjan Devi @ Puja Devi and none of the articles seized from the rented premises belongs to the petitioner. He also submits that after giving the house on rent by his wife, he was not aware of this fact and he has no concern with the said activities. He also submits that the victim girl Gunjan Devi @ Puja Devi was also found in the tenanted premises of his wife's house has stated before the police that they were not subjected to any immoral act.

However, learned A.P.P. for the State submits that the petitioner is named in the F.I.R., hence, opposes the prayer for bail.

Be that as it may, since the house does not belong to the petitioner, let the petitioner, named above, in the event of his arrest or surrender before the learned Court below within a period of eight weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Buxar in connection with Buxar (Town) P.S. 143/2016, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

It is made clear that petitioner will remain physically present before the police/ Court as and when required and his failure to appear before the learned Court below on two consecutive dates without assigning any reason will entail cancellation of his bail bonds without being prejudiced by this order.

(Nilu Agrawal, J)

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