

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.49546 of 2017

Arising Out of PS.Case No. -311 Year- 2017 Thana -BHAGWAN BAZAR District- SARAN

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1. VIJAY KUMAR GUPTA , SON OF LATE JAGDISH PRASAD GUPTA
 2. ASHUTOSH KUMAR GUPTA, SON OF DEO KUMAR GUPTA, BOTH RESIDENTS OF BHAGWAN BAZAAR POLICE STATION BHAGWAN BAZAAR, SARAN, CHAPRA AND
 3. CHANDRA SHEKHAR SINGH, SON OF LATE NAND KISHORE SINGH, Resident of GOLLA MARHA, POLICE STATION MANJHI, SARAN

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. YC Verma, Senior Advocate and
Mr. Jainendra Kumar, Advocate

For the Opposite Party/s : Mr. Khurshid Anwar, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 18-10-2017 Counsel for the petitioners and the State are present.

Petitioners are accused in a case registered for offence under sections 3,4,5,6 and 7 of the Immoral Traffic (Prevention Act, 1956). They have been arrested from one Delhi Hotel in course of raid.

Counsel for the petitioners submits that petitioner no.1 is owner of the Hotel, whereas petitioner no.2 is his nephew. Petitioner no.3 is the staff of the Hotel. He submits that from perusal of the allegation made in the FIR no offence under the aforesaid sections are made out. He submits that the order of rejection dated 13.9.2017 passed by the court of Addl. Sessions Judge, Saran at Chapra suffers from error of record inasmuch as



the lady Pushpa Devi on her arrest from the Hotel in her statement is said to have made allegation against the petitioners. In fact, police never recorded her statement. He submits that the persons said to have been arrested were bona bona fide customers booked on taking their valid documents of identification. Similarly situated co-accused Randhir Kuamr Singh, proprietor of Chapra Guest House has already been allowed bail vide order dated 17.10.2017, passed in Cr.Misc.No. 48567 of 2018.

In the facts of the case, the bail application is allowed. Let all the three petitioners as mentioned above be released on bail on furnishing bail bond of Rs.10,000/- each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Saran at Chapra in Bhawan Bhagwan Bazar Police Station Case No. 311 of 2017 on the following conditions:-

(a) One of the bailors will be a close relative of the petitioners who will give an affidavit giving genealogy as to how they are related with him. The bailors will also undertake to inform the court if there is any change in the address of the petitioners.

(b) The petitioners will give an undertaking that they will



receive the police papers on the given date and be present on date fixed for charge and if they fail to do so on two given dates and delays the trial in any manner, their bail will be liable to be cancelled for reasons of misuse.

(Madhuresh Prasad, J)

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