

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3265 of 2017

Arising Out of PS.Case No. -122 Year- 2017 Thana -BARGANIA District-
SITAMARHI

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Bishwanath Prasad Chaudhary @ Vishwanath Prasad
Chaudhary @ Bablu, Son of Late Jagdish Chaudhary, R/o
Pachkati Ram, P.S.-Bairganiya, District-Sitamarhi.

.... Appellant/s

Versus

The State of Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Patanjali Rishi, Adv.

For the Respondent/s : Mrs. Usha Kumari No.-1, SPP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 19-01-2018 The appellant has challenged the order dated
25.07.2017, passed by the learned Additional District Judge-
Ist-Cum-Special Judge, Sitamarhi, in Bairganiya P.S. Case
No. 122 of 2017, whereby, the prayer made on behalf of the
appellant for being released on bail has been rejected.

It has been alleged in the First Information
Report that on secret information that a sex trade is being
carried on in Ashoka Rest House, Bairganiya, a raid was
conducted. From one of the rooms of said Rest House, a girl,
aged 13 years and one male by the name of Pappu Thakur,



were recovered. From asking the aforesaid persons, it appeared that the girl was only 13 years of age and was brought to the Rest House for satisfying the sexual lust of the customers.

The appellant is stated to be the Manager of the said Rest House.

Learned Counsel for the appellant has submitted that as a Manager, the appellant was only required to provide rooms to the customers and he had perforce to believe the statements made by the customers regarding their identity. The appellant did not have any idea that the victim was brought for the purposes of being subjected to sexual intercourse and that Pappu Thakur, one of the co-accused, had booked the room for the aforesaid immoral purpose.

Learned Counsel for the appellant has submitted that the appellant is in custody since 19.05.2017 and the said co-accused person, namely, Pappu Thakur @ Rajiv Kumar, has been released on bail by this Court vide order dated 16.11.2017, passed in Cr. Appeal (SJ) No. 3213 of 2017.

Learned Special Public Prosecutor, on the other hand, has submitted that the First Information Report clearly reveals that the owner and the Manager of the concerned hotel, namely, Ashoka Rest House, were responsible for bringing minor girls for the purposes of being sold to



customers. In fact, it has been argued that evidence was collected that the girls were brought in the said hotel at the instance of the appellant.

From the perusal of the records, there does not appear to be any breach of the provisions of Scheduled Casts & Scheduled Tribes (Prevention of Atrocities) Act. At best, it could be a case of abetting immoral traffic of women. So far Sections 8, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012 is concerned; the same does not get attracted so far as the appellant is concerned.

For the facts aforesaid, the order, dated 25.07.2017 is set-aside and the appellant, above named, is directed to be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-Ist, Sitamarhi, in connection with Bairganiya P.S. Case No. 122 of 2017.

(Ashutosh Kumar, J)

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