

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41478 of 2018

Arising Out of PS. Case No.-110 Year-2017 Thana- HAJIPUR District- Vaishali

Sunil Kumar Gupta @ Sunil Kumar Sah @ Sunil Kumarson of Satya Narayan Sah, Resident of Mohalla – Bagmusha, P.S. -Town Hajipur, District – Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rina Sinha, Advocate

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

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 11-07-2018 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

Petitioner had earlier twice moved for bail which was rejected vide order dated 17.11.2017 passed in Cr. Misc. No. 52742 of 2017 and order dated 11.04.2018 passed in Cr. Misc. No. 14746 of 2018. Petitioner is languishing in judicial custody since 13.09.2017 in connection with Hajipur Town P.S. Case No. 110 of 2017 registered for the offence punishable under Sections 114, 290, 370, 354 and 509/34 of the Indian Penal Code, Sections 3, 4, 5 and 7 of the Immoral Traffic Act and Sections 4, 6 and 8 of the POCSO Act.

The prosecution case, as lodged by the police personnel, is that on secret tip-off that in a hotel named S.K.



Residential Hotel, Station Road, Hajipur immoral trafficking is prevalent and women and minors on raid were found in objectionable position. It is alleged that the petitioner had taken the hotel on rent from Rajesh Kumar Gupta and Ranjit Kumar Gupta, but was involved in immoral trafficking. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and has been falsely implicated in the aforesaid case. He submits that he had gone to attend his ailing mother and left the hotel on the manager, Munna Sah and was not aware about the illegal activities going on in the hotel. It is further submitted that charges have been framed and the petitioner undertakes to cooperate in the trial on day-to-day basis. It is further submitted that some of the accused persons found in the hotel at the time of raid, have been granted the privilege of bail by this Court and coordinate Benches of this Court.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, named above, be enlarged 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 Additional Sessions Judge 1st -cum-Special Judge, Vaishali at Hajipur in connection with Hajipur Town P.S. Case No. 110 of 2017, subject to the conditions that:

(1) One of the bailors would be close relative of the petitioner having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioner.

(2) The petitioner will appear before the learned Court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.

(Nilu Agrawal, J.)

Arjun/Ragini

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