

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2792 of 2018

Arising Out of PS.Case No. -579 Year- 2017 Thana -BIHARSHARIF District- NALANDA
(BIHARSHARIFF)

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Gulam Sarbar S/o Late Kasim, R/o Mohalla-Gagan Diwan, P.S.-Laheri,
District-Nalanda.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasa, Advocate

For the Opposite Party/s : Sri Manoj Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 19-01-2018

Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

The petitioner seeks bail in connection with Bihar Police Station Case No. 579 of 2017 registered for offences punishable under sections 370A, 372, 373, 376 of the Indian Penal Code, sections 3, 4, 5, 6 of the Immoral Traffic Act and section 4 of POCSO Act.

Allegation, as per written report, is that this petitioner and other co-accused were involved in immoral traffic act.

It has been submitted that the petitioner is a Painter and he was caught by the police merely on suspicion on the allegation that the room in which immoral act was going on, was taken by him on rent from the land owner- Raj Kumar Ranjan. The said landlord, who is named in FIR, has been allowed bail by



one of the coordinate Bench of this Court in Cr. Misc. No. 61391 of 2017. The petitioner is in custody since 13.10.2017 and has stated on oath that he has got no criminal antecedent.

The learned counsel for the opposite party opposed the submission.

Considering the facts and circumstances of the case, the prayer for bail is allowed and above named petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharaif in connection with Bihar Police Station Case No. 579 of 2017, subject to the following conditions:-

- (i) One of the bailors of the petitioner shall be a local person having sufficient immovable property within the jurisdiction of the concerned Court.
- (ii) The petitioner will not induce any witness or tamper with the evidence.
- (iii) The petitioner shall cooperate in the disposal of trial and make himself available as and when required by the court and on the event of failure on his part to appear before the court below on two consecutive dates without showing any genuine reasons, the prosecution is free to move



for cancellation of his bail.

- (iv) If the petitioner is found involved in similar type of offence in future, the prosecution will have liberty to move for cancellation of his bail.

(Sanjay Kumar, J)

Mahesh/-

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