

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56579 of 2018

Arising Out of PS. Case No.-336 Year-2017 Thana- JAKKANPUR
District- Patna

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Vijay Kumar, Son of Ramadhin Prasad, Resident of Vighrahpur, P.S.
Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Prakash

For the Opposite Party/s : Mr. Sri Ganesh Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

3 10-12-2018 Heard Mr. Surendra Kumar Singh, learned counsel

for the petitioner and Mr. Ram Priya Sharan Singh, learned

counsel for the State.

The petitioner seeks bail in anticipation of his
arrest in connection with Jakkanpur P.S. Case No. 336 of
2017 instituted for the offences under Sections 292, 419,
420/34 of the Indian Penal Code and Sections 3(1), 3(2), 4,
5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956 and
Section 17 of the Protection of Children From Sexual Offences
Act, 2012.



The petitioner is the owner of the Mangalam Guest House/Ganpati Hotel situated near Bus Stand. On raid in the rooms of the aforesaid Guest House, boys and girls of tender age were found to be indulging in sexual act.

The learned counsel for the petitioner has submitted that such information is only on the basis of statements given by the persons who were caught indulging in amorous acts. Apart from this, learned counsel for the petitioner has further submitted that petitioner, in his capacity as owner of the Guest House, had entrusted the task of running the Guest House to his Managers with specific instructions that only *bona fide* persons should be allowed entry in the Guest House.

The F.I.R which has been lodged by a Police Officer indicates that no effort was made to ensure that only *bona fide* persons are provided rooms on rent as no identity card was asked from them.

The learned counsel for the petitioner, however submits that for the lapses on the part of the employees of the petitioner, he cannot be prosecuted for the offences



referred to above. The petitioner was not present in the Guest House premises when the raid was made.

Considering the fact that nothing specific has been alleged against the petitioner and that he is sought to be prosecuted only on the premise that the building owned by him was misused for sexual acts and his clean antecedents, the petitioner, above named, in the event of his arrest or surrender within a period of four weeks from today before the learned Court below, is directed to be released on bail on his furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-I-cum-Special Judge, POCSO, Patna in connection with Jakkanpur P.S. Case No. 336 of 2017, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

(Ashutosh Kumar, J)

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