

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24560 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- KISHANGANJ District- Kishanganj

Deepak Sah @ Deepak Kumar Saha @ Deepak Kumar Sah, aged about 38 years, Male, S/o Sri Nand Kishore Prasad Saha, Resident of Ward No. 27, near Jain Mandir, Thakurbadi Road, P.S.- Kishanganj, District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey

For the Opposite Party/s : Mr.Manish Kumar No2

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 16-04-2019 Heard both sides.

Petitioner apprehends his arrest in Kishanganj P.S.

Case No.67 of 2019, registered under Sections 3, 4 and 5 of the Immoral Traffic Act and under Sections 4, 7 and 8 of the POCSO Act.

The informant is Deputy Superintendent of Police, Sadar Anchal Kishanganj on information that flesh trades were going on in Sunrise Hotel and Jyoti Hotel a raid was conducted firstly in Sunrise Hotel and from Room No.29 one boy, namely,Sharique Alam and a girl, namely, Sultana Parveen aged about 21 years were recovered. Sultana Parveen disclosed that she was well acquainted with Sharique Alam from before. Jyoti Hotel was also raided and from there also boys and girls were



recovered.

Learned counsel for the petitioner submits that petitioner is the owner of Sunrise Hotel. From Room No.29 of Sunrise Hotel, one boy Sharique Alam and one girl Sultana Parveen were recovered. They were majors. No flesh trade was going on in Sunrise Hotel. It is further submitted that both the boy and girl were major and they came and stayed at the hotel. There is no material on record to show that any flesh trade was going on in the hotel. It is further submitted that no offence under Sections 3, 4 and 5 of the Immoral Traffic Act and any sections of the POCSO Act is made out. The petitioner was not even present in the hotel. The Manager of the hotel disclosed that the room is let out to the customers with the consent of the hotel owner.

Having considered the facts that one major girl and boy were recovered from Room No.29 of the hotel owned by the petitioner but save and except the recovery of the two persons, one male and one female, there is nothing on record to show that any flesh trade was going on in the hotel of the petitioner, the girl and boy were major and they had stayed in the hotel out of their free will, the girl disclosed that she was well acquainted with Sharique Alam and she had come to stay in



the hotel out of her free will, let petitioner, above named, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt of this order, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-1st-cum-Special Judge Incharge, Kishanganj in connection with Kishanganj P.S. Case No.67 of 2019, subject to the conditions laid down under Section 438(2) Cr.P.C.

(Prabhat Kumar Jha, J)

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