

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77073 of 2018

Arising Out of PS. Case No.-648 Year-2018 Thana- KOTWALI District- Patna

-
1. Arvind Kumar and Anr Son of Sri Dhaneshwar Shah, resident of Vill.- Manhar, P.S.- Desari, Distt.- Vaishali, presently residing at Magadh Hotel, Frazer Road, P.S.- Kotwali, Distt.- Patna.
 2. Lallan Kumar, Son of Sri Lakhan Yadav, resident of Vill.- Khairi, P.S.- Gurua, Distt.- Gaya, presently residing at Magadh Hotel, Frazer Road, P.S.- Kotwali, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Akshansh Ankit

For the Opposite Party/s : Mr.Sir Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 08-02-2019 The matter has been listed at the behest of learned
counsel for the petitioners.

It appears that the petitioners who are in custody since 23.9.2018, in connection with Patna Kotwali P.S. Case No. 648 of 2018, preferred the present application with a prayer for custody bail, but due to inadvertance, in the second paragraph of the order dated 1.2.2019, it has been recorded that the petitioners are apprehending arrest and in the last paragraph of the aforesaid order, it has been recorded that the petitioners are directed to be released on anticipatory bail.

Since the petitioners are in custody and the investigation has already been concluded, the order dated



1.2.2019 is modified as follows:

“Heard learned counsel for the petitioners and learned APP for the State.

The petitioners are languishing in custody since 23.9.2018 in a case registered for the offences punishable under Sections 290, 342, 347, 354A(1) of the Indian Penal Code and Sections 6(B)/7 of the Immoral Traffic (Prevention) Act, 1956.

The prosecution case got initiated on the Fardbeyan of Uma Kumari, Women Counsellor, Women Cell, Kotwali Police Station based on the statement of victim Amrita Kumari is to the effect that two days prior to the occurrence, the victim Amrita had come to Patna and on 22.09.2018 at 1.00 P.M., when she was roaming around Ramnagari More with her co-villager, Rani Khatoon, then one Munna @ Prabhat Kumar came and on the pretext to take them for lunch, he took them to Magadh Hotel and kept them confined in separate rooms and persuaded the victim to have physical relationship with the customers.

However, after some time, the police came and rescued the victim and her friend and apprehended two persons from Room No.16 of the hotel, i.e., one Rajesh Shankar Singh with a lady and from room no.12, one Sonu Kumar with a lady. It is alleged against the petitioners that they, being the staff and



the waiter of the hotel in question facilitated in commission of the offence.

It is submitted by learned counsel for the petitioners that it appears that the name of petitioner no.2 was subsequently added by using a different pen and the thrust of accusation is against co-accused Munna and Lalbabu Paswan. It is further submitted that investigation has already been concluded. A statement has been made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the petitioners being the staff and the waiter of the hotel in question have facilitated in commission of the offence.

Considering the thrust of accusation against co-accused Munna and Lalbabu Paswan, the investigation has already been concluded, coupled with the statement made in paragraph 3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Ist Class, Patna in connection with Patna Kotwali P.S. Case No. 648 of 2018.”

The order dated 1.2.2019 stands modified to the



extent indicated above.

Office to take steps to off-load the order no. 3 dated
1.2.2019 and up-load the present order.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

