

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17716 of 2020

Arising Out of PS. Case No.-679 Year-2017 Thana- KOTWALI District- Patna

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UMA SHANKAR PASAD @ UMA SHANKAR Son of Dhrachhan Prasad
Resident of Village - Beldari Chak, P.S.- Gaurichak, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr.Dinesh Prasad Verma, Advocate
For the Opposite Party/s : Mr.Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 12-01-2021 Heard learned counsel for the petitioner and learned
counsel for the State through video conferencing.

The petitioner has filed the instant application for grant of anticipatory bail apprehending his arrest in connection with Kotwali P.S. Case no. 679 of 2017 registered under sections 366A, 373, 376 and 34 of the Indian Penal Code and sections 5, 6 and 9 of the Immoral Traffic Act.

As per allegation in the FIR, it is stated by the informant that on searching over the internet she met one Rajiv who assured her that he would get her engaged in a job. She came along with him to Patna and stayed in a hotel near the railway station where he misbehaved with her. Thereafter, it is stated that he sent some persons asking her to take Rs. 2500/-. It



is further stated that the Manager of the hotel, the petitioner herein and the staff also misbehaved with her.

It is submitted by learned senior counsel appearing for the petitioner that from perusal of the FIR itself it would transpire that the informant had accompanied her boy friend and was staying at the hotel. It is submitted that from the averments made in the FIR it would transpire that she was carrying on business of immoral traffic without knowledge of this petitioner and it was on the petitioner asking for the rent of the hotel room that he has been falsely implicated by the informant. With respect to the medical report of the informant it is submitted that though the age of the informant has been estimated to be 16-17 years, however, it has been held by this Court that there is an error of two years on either side in medical estimation of age. It is submitted that the petitioner has no criminal antecedent.

The application for bail is opposed by learned counsel for the State.

Having heard learned counsel for the parties and on going through the materials on record it transpires that the petitioner has not only been named in the FIR and direct allegation made against him but the same has been supported by the informant in her statement under section 164 Cr.P.C which is



Annexure 2 to this petition. Further, in the medical report her age has been estimated to be 16-17 years and thus she is a minor.

In view of the facts and circumstances of the case stated herein above and direct allegation against the petitioner in the FIR, the Court is not inclined to enlarge the petitioner on anticipatory bail and as such the same is rejected.

(Partha Sarthy, J)

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