

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38969 of 2020**

Arising Out of PS. Case No.-228 Year-2020 Thana- BODHGAYA District- Gaya

1. MANOJ YADAV @ MANOJ KUMAR Son of Late Rameshwar Yadav
Resident of Village - Kolhaura, P.S.- Bodh Gaya, District - Gaya
2. Santosh Kumar Son of Ravindra Prasad Resident of Village - Mayabigha
Soalhandra, P.S.- Makhdumpur, District - Jehanabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Udbhay, Advocate

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 01-07-2021 Learned counsel for the petitioners undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioners and learned
A.P.P. for the State.

Petitioners in the present case are seeking regular bail in connection with Bodh Gaya P.S. Case No. 228 of 2020 registered for the offences punishable under Sections 370, 370(A), 373/34 of the Indian Penal Code, Section 6 of the Protection of Children from Sexual Offences (POCSO) Act and Sections 3/4/5 of Immoral Traffic Act.

Learned counsel for the petitioners submits that as per the prosecution the informant got secret information that these



petitioners and his associates have assembled for liquor party wherein some girls had also been invited. When the police party raided the said place the petitioners along with his friends was there. Police had recovered bottles of wine and used and sealed packets of condom. It is further alleged that two minor girls were also recovered from the place and they told that they have been brought there by Gitanjali Devi.

Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. It is further submitted that co-accused similarly situated have been granted bail. Learned counsel submits that the petitioners are in custody since 21.08.2020.

Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioners.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the materials which have been collected in course of investigation that the petitioner no. 1 has arranged the party and he was found in objectionable condition with the victim girls and there are serious allegations against him of commission of immoral acts, he has also got criminal antecedents, this Court is not inclined to release the petitioner no. 1 on bail.

So far as petitioner no. 2, namely Santosh Kumar is



concerned, though he has also been found in the premises in course of raid, there being no specific allegation that he was found in any objectionable condition, moreover he was the invitee of the petitioner no. 1 and the co-accused similarly situated are said to have been granted bail, in the cases stated in paragraph '3', he is said to be on bail and in the present case he has remained in custody for about ten months, investigation against him is complete but the trial is not likely to be concluded in near future, let the petitioner no. 2 above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-POCSO Court, Gaya in connection with Bodh Gaya P.S. Case No. 228 of 2020 subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such



facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner no. 2 and in case at any stage it is found that the petitioner no. 2 has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner no. 2. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

Learned counsel for the petitioners submits that the petitioner no. 1 has been diagnosed of some health issues. Directions have been sought for from this Court in this regard, in the opinion of this Court such matters may be brought to the notice of the learned court below for appropriate order/direction in appropriate jurisdiction.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

