

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2970 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- ARWAL District- Jehanabad

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OM PRAKASH S/o Late Madhu Prasad R/o village- Arwal Sipra, P.S.-
Arwal, District- Arwal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 2992 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- ARWAL District- Jehanabad

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DEEPAK KUMAR S/o Sri Gopal Prasad R/v- Arwal Sipah Dom Toli, P.S.-
Arwal, Distt- Arwal.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 3530 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- ARWAL District- Jehanabad

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1. MAHENDRA SINGH Son of Late Dip Narayan Singh Resident of Village -
Tola Rana Nager, P.S.- Kurtha, Distt.- Arwal.
 2. Golu Kumar Son of Uma Shankar Singh Resident of Village - Tola Rana
Nager, P.S.- Kurtha, Distt.- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 2970 of 2022)

For the Petitioner/s : Mr. Madhav Raj, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

(In CRIMINAL MISCELLANEOUS No. 2992 of 2022)

For the Petitioner/s : Mr. Vijay Kumar Sinha, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 3530 of 2022)

For the Petitioner/s : Mr. Bishwa Nath Chaudhary, Adv.



For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-06-2022 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners seek bail in a case registered for the offence under Sections 346, 370, 370-A, 372, 373, 376, 120B/34 of the Indian Penal Code and Section 3, 4, 5, 6, 7, 8, and 9 of the Immoral Trafficking Act, 1956 and Sections 4/6 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case in brief is that the informant along with his officials have raided different houses and place in locality of Janakpur Dham red light area in presence of independent witnesses and during course of raid the petitioners along with about 22 women and minor girls were found inside the house and some of them were found in objectionable condition inside the house and used and unused condoms were also found. Accordingly, the seizure list was prepared. It is further alleged that the house of Shakuntlas Devi, Rupsana Khatoon, Manjhu Niwas were the places of prostitution.

Learned counsel appearing for the petitioners submits that the petitioners, who are of clean antecedent, are innocent and have falsely been implicated in this case. He further submits that the petitioners happen to be the members of a musical group and they used to perform on the demand of customers for the



sake of their livelihood. He further submits that while the raid was conducted these petitioners were found present but they have been made accused in this case merely on the basis of suspicion. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. He further submits that the similarly situated co-accused, Anand Kumar, has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2022 passed in Cr. Misc. No. 4549 of 2022 and the case of these petitioners stands on better footing. The petitioner namely, Om Prakash, has been rotting in judicial custody since 17.12.2021 whereas the petitioners, Deepak Kumar and Mahendra Singh along with Golu Kumar, have been rotting in judicial custody since 30.10.2021.

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

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with POCSO Case No. 82 of 2021 arising out of Arwal P.S. Case No. 384 of 2021 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Rajesh Kumar Verma, J)

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