

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4793 of 2022

Arising Out of PS. Case No.-584 Year-2020 Thana- KATIHAR NAGAR District- Katihar

Guru Charan Singh, Son of Late Khel Singh Resident of Village- Om Hotel,
P.S.- Katihar (Nagar), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Ranjan

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 20-12-2022 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner seeks bail in connection with Katihar
Town P.S. Case No. 584 of 2020, registered for the offences
punishable under Sections 342, 370, 376, 419, 420 and
120 (B) of the Indian Penal Code; Section 4 of POCSO Act,
2012 and Sections 3, 4, 5, 6 and 7 of the Immortal Traffic
Prevention Act, 1956.

The prosecution story as emerges from the FIR is
that the Circle Officer, Sadar Katihar got a confidential
information on 14.11.2020 at 08.30 P.M. that business of
human trafficking was going on in Om Residential Hotel.



Thereafter, the informant and other police officials went there and found one Rakesh Kumar Yadav with a girl in Room No. 15 of the hotel. Some incriminating articles were also recovered from the room.

The Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further submits that he is the Manager of the hotel where the offence was allegedly committed. He also submits that Rakesh Kumar Yadav, who was found living with the girl in the room of the hotel and the owner of the hotel have already been enlarged on bail by different Benches of this Court *vide* orders dated 16.06.2021 and 09.12.2021 passed in Cr. Misc. No. 12941 of 2021 and Cr. Misc. No. 20234 of 2021, respectively. He also submits that the petitioner was not aware of anything illegal going on in the room. He further submits that investigation in this case is complete and charge-sheet has already been submitted. Even, charge has been framed.

The petitioner has been languishing in jail since 14.11.2020.



It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has been made accused in one more case, namely, Katihar Town P.S. Case No. 49 of 2015.

However, the learned APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Special Judge-cum- Additional District and Sessions Judge, VI, Katihar, in connection with Katihar Town P.S. Case No. 584 of 2020 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence



or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office



within a period of one month and the Registry is directed to
issue the certified copy of this order only after removal of
office objections.

(Jitendra Kumar, J)

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