

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18729 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BODHGAYA District- Gaya

PRASHANT ANAND S/o Arvind Kishor Prasad Resident of 196, A.P.
Colony, Mustaphabad, P.S.- Rampur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18967 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BODHGAYA District- Gaya

SUBHAM KUMAR Son of Late Sanjay Singh Resident of village -
Bhagalpur, P.S.- Bodhgaya, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20340 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BODHGAYA District- Gaya

AVINASH KUMAR Son of Ramdhyan Singh Resident of Village - Rasalpur,
P.s.- Mufassil, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 20506 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BODHGAYA District- Gaya

ABDUL KALAM @ KALAM ANSARI SON OF TAHIR ANSARI @
TAHUR ANSARI @ TAHAIR ANSARI R/O VILLAGE- DHANDHAWA,
POST OFFICE- CIVIL ARODRAM, P.S.- BODHGAYA, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21242 of 2022

Arising Out of PS. Case No.-28 Year-2022 Thana- BODHGAYA District- Gaya

KRISHNA KUMAR PANDEY SON OF ISHWARI PANDEY R/O
VILLAGE- BAHAILIYA BIGHA, P.S.- TEKARI, DISTRICT- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 18729 of 2022)

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Rajendra Nath Jha

(In CRIMINAL MISCELLANEOUS No. 18967 of 2022)

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Satya Nand Shukla

(In CRIMINAL MISCELLANEOUS No. 20340 of 2022)

For the Petitioner/s : Mr.Uday Kumar

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

(In CRIMINAL MISCELLANEOUS No. 20506 of 2022)

For the Petitioner/s : Mr.Ujjawal Kumar Singh

For the Opposite Party/s : Mr.Akshay Lal Pandit

(In CRIMINAL MISCELLANEOUS No. 21242 of 2022)

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-07-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

All the bail petitions preferred by the petitioners are

being disposed of by this common order as they arise out of

same police station case number.

Heard learned counsel for the petitioners and the



State through video conferencing.

Petitioners seek regular bail in a case registered for the offence punishable under Sections 3, 5, 6, 7 of Immoral Traffic (Prevention) Act.

As per allegation police personnels raided guest house of co-accused persons where two women were found in objectionable condition and as per prosecution owner and manager of the said guest house indulged in immoral activity of prostitution and they provided girls to the customers.

It is submitted by the learned counsel for the petitioner- Prashant Anand that he has been languishing in jail since 22.1.2022, he is not named in the FIR having clean antecedent and he is stated to be in contact with the named accused Mukesh Kumar through whatsapp contact and on that basis he has been made accused in this case.

The learned counsel for the petitioner- Subham Kumar submits that the petitioner is stated to be in contact with the named accused Mukesh Kumar through whatsapp contact and on that basis he has been made accused in this case, he has been languishing in jail since 22.1.2022 and he is not named in the FIR having clean antecedent.

It is submitted by the learned counsel for the



petitioner- Avinash Kumar that he has been languishing in jail since 22.1.2022, he was neither arrested at the spot nor alleged films which are stated to be objectionable were found from his possession, he is not named in the FIR having clean antecedent and during course of investigation, he was made accused on the basis of whatsApp message.

The learned counsel for the petitioner- Abdul Kalam @ Kalam Ansari submits that the petitioner has got no criminal antecedent, he is also not named in the FIR and he has been dragged in this case after deliberation by some persons with whom petitioner has no good relation and girls who are stated to have been found at the alleged guest house have not named the petitioner being present while making raid.

The learned counsel for the petitioner- Krishna Kumar Pandey submits that he is languishing in jail since 22.1.2022 having clean antecedent and he is a businessman belonging to respected member of the society and he has also been made accused merely on the basis of suspicion.

Learned APP appearing for the State has opposed the prayer for bail and submitted that all petitioners are involved in immoral activity with regard to providing details of the girls who were involved in prostitution.



Heard both sides and perused the FIR. All petitioners are not named in the FIR having clean antecedent and similarly situated co-accused persons have been granted regular bail by this court vide order passed in Cr. Misc. no.17414 of 2022 and analogous cases and main allegation appears to be against owner and manger of the alleged guest house.

Considering these facts as well as submissions and mainly their custody period, clean antecedent, in my view, a lenient approach may be taken in respect of the petitioners. Let the petitioners above named be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya in Bodh Gaya P.S Case No. 28 of 2022 on 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 below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled 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.

(3) One of the bailers shall be close relatives of the petitioners who have sworn affidavit in these miscellaneous petitions.

The court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the court below shall take serious action against them for cancellation of their bail bond.

(Shailendra Singh, J)

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