

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17414 of 2022

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

RAJA SAO @ RAJA KUMAR Son of Baijanath Sao R/O- Barki Delha, Near
Bus Stand, P.S.- Delha, Dist.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 18252 of 2022

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

AMAR KUMAR SON OF RAJENDRA RAY R/o village- Shiv Temple,
Lakhaipur, P.O. and P.S.- Mohanpur, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19278 of 2022

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

SHIV SHANKAR KUMAR S/o Raj Kumar Prasad Resident of Village-
Belaganj Post and Police Station- Belaganj, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 19677 of 2022

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

AYUSHMAN TILAK Son of Sri Anjani Kumar Tilak Resident of 196 A.P.
Colony, P.S.- Rampur, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar



... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 20450 of 2022

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

ANAND KUMAR S/o Bikhu Ravidas @ Viku Das R/o village- Chotki Delha,
Telari Road, P.S.- Delha, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 17414 of 2022)

For the Petitioner/s : Mr.Pushpendra Priyedarshi

For the Opposite Party/s : Mr.Suresh Pd. Singh, APP

(In CRIMINAL MISCELLANEOUS No. 18252 of 2022)

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 19278 of 2022)

For the Petitioner/s : Mr.Kumar Dharendra Pratap Singh

For the Opposite Party/s : Mr.Dashrath Mehta

(In CRIMINAL MISCELLANEOUS No. 19677 of 2022)

For the Petitioner/s : Mr.Pravin Kumar

For the Opposite Party/s : Mr.Dr. Ajeet Kumar

(In CRIMINAL MISCELLANEOUS No. 20450 of 2022)

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 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.

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.

The learned counsel for the petitioner- Raja Sao @ Raja Kumar submits that he has been languishing in jail for the last six months was not arrested at the spot and his name surfaced in the statement of co-accused Mukesh Kumar, according to his statement, petitioner was present at the alleged guest house simply as customer and he has got clean antecedent.

The learned counsel for the petitioner- Ayushman Tilak submits that he was not arrested at the spot and his name surfaced in the statement of co-accused Mukesh Kumar and according to his statement, petitioner was present at the alleged guest house simply as customer and he has got clean antecedent.

The learned counsel for the petitioner- Shiv Shankar Kumar submits that he was not arrested at the spot and his name



surfaced in the statement of co-accused Mukesh Kumar and according to his statement, petitioner was present at the alleged guest house simply as customer and he has got clean antecedent.

The learned counsel for the petitioner- Amar Kumar submits that he has also clean antecedent, he was neither arrested at the spot nor he was found in objectionable condition against him there is simple allegation of having circulated details of alleged women amongst other persons with an intent to facilitate alleged crime of immoral activity and except that there is no any other cogent evidence to connect the petitioner with the alleged crime.

The learned counsel for the petitioner- Anand Kumar also raises similar grounds taken by above mentioned petitioners.

Learned APP appearing for the State has opposed the prayer for bail.

Having regard to the facts and circumstances of the case as well as mainly considering the nature of the allegation appearing against the petitioners, their custody period, clean antecedent, their names surfaced in the confessional statement of co-accused Mukesh Kumar, 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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