

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 20231 of 2022

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

Gulshan Kumar, aged about 23 years, Male, son of Shri Mahesh Singh,
resident of village-Rasalpur, P.S.- Mufassil, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 21887 of 2022

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

Raja Thakur(Male), aged about- 23 years, son of Anil Thakur @ Anil Kumar
Thakur, resident of village- Nawadih, Police Station- Hunterganj, District –
Chatra (Jharkhand).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In Criminal Miscellaneous No. 20231 Of 2022)

For the Petitioner/s : Mr.Bijay Kumar Pathak

For the Opposite Party/s : Mr.Ramchandra Sahn

(in Criminal Miscellaneous No. 21887 of 2022)

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ramchandra Sahn

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 15-07-2022 The case is heard through video conferencing.

Both the criminal miscellaneous petitions bearing no.
20231 of 2022 and 21887 of 2022 have arisen out of the same P.S.
case hence both the petitions are being decided together by a
common order.

The learned counsel for the petitioners is directed to



remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners and the learned APP for the State.

Petitioners seek regular bail in connection with Bodh Gaya P.S. Case No. 28 of 2022 registered for the offences under Sections 3/5/6/7 of Immoral Trafficking (Prevention) Act, 1956.

Allegedly, a police party consisting of several police personnel raided Mahima Guest House and after the enquiry, co-accused Chandra Shekhar Viraji revealed himself as the manager of guest house as well as of other guest house located nearby Mahima Guest House and then the police party raided the other guest house and found two women, some persons in objectionable condition and also recovered used and unused condoms from that alleged place and as per prosecution, the owner of said guest house as well as manager and some other persons were also indulged in immoral activity of prostitution.

The main submissions advanced by learned counsel for the petitioner Gulshan Kumar are that this petitioner has got no criminal antecedent and has been languishing in jail since 22.01.2022 and against him the investigation has been completed and he is not named in the FIR and he has been made accused mainly on the basis of his conversation that took place between



him and co-accused Avinash Kumar who has been considered for bail by this Court and some other co-accused persons carrying similar nature of allegation have also been granted bail by this Court vide orders passed in Criminal Miscellaneous No. 17414 of 2022, Cr. Misc. No. 18252 of 2022, Cr. Misc. No. 18729 of 2022, Cr. Misc. No. 18967 of 2022, Cr. Misc. No. 19278 of 2022.

The learned counsel appearing for petitioner Raja Thakur has submitted that this petitioner has not been named in the FIR and according to the prosecution he was in contact with co-accused Mukesh through whatsapp and merely on that basis he has been dragged in the present case and he was not arrested from the alleged guest house and has been languishing in jail since 22.01.2022 and in respect of petitioner's involvement in the alleged flesh trade, the prosecution is mainly relying upon the statement of co-accused Mukesh Kumar.

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

Heard both the sides and perused the FIR. As per FIR both the petitioners were not arrested at the alleged guest house from where some women and men were arrested in objectionable condition and the petitioners have been made accused in the present matter mainly considering the statement of co-accused persons as well as their contact with co-accused persons and some



co-accused persons referred to above carrying similar nature of allegations have been granted privilege of bail by this Court and petitioners’ case stands on similar footing with them. Accordingly, in my view a lenient approach can be taken in respect of petitioners’ prayer let the petitioners 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 concerned Court in Connection with Bodh Gaya P.S. Case No. 28 of 2022.

(Shailendra Singh, J)

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