

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24179 of 2022

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

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Chandra Shekhar Biraji Son of Suryanarayan Biraji Resident of village - Ward
No.- 8 Near Basantpur Panchayat Bhawan, P.S.- Birpur, District - Supaul,
State - Bihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kuldeep Kumar, Advocate.
For the Opposite Party/s : Mr.Ramchandra Sahni, APP.

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-07-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner and the learned

APP for the State.

Petitioner seeks regular bail in connection with

Bodhgaya P.S. Case No. 28 of 2022 registered for the offences

under Sections 3, 5, 6, 7 of the Immoral Traffic (Prevention) Act,

1956.

Allegedly the police got the information that at some

guest house an illegal immoral activity of prostitution was being

carried out and then the police party consisting of several police

personnel firstly raided Mahima Guest House and an other guest

house located nearby Mahima Guest House were searched and

petitioner is stated to be the manager of both the guest houses and



on search two women and some male persons were caught in objectionable condition and some condoms used and unused were also recovered from that place and petitioner and owner of the said guest houses are alleged to be indulged in immoral activity of prostitution.

The main submissions advanced by the learned counsel for the petitioner are that as per prosecution story mentioned in the FIR the petitioner was simply alleged to be a staff of Mahima Guest House and in actual he was not concerned to any alleged activity which was being made at an other guest house and from Mahima Guest House where the petitioner worked as manager any objectionable material or activity was not found by the raiding party and the other guest house which is under the ownership of brother of the owner of the Mahima Guest House was not being controlled by this petitioner and the same was being managed by its owner himself and accordingly petitioner was not responsible for any illicit activity which was allegedly being carried in the said guest house. Further submission is that petitioner has been languishing in jail since 21/01/2022 having clean antecedent.

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

Heard both the sides and perused the FIR. As per allegation at one guest house situated nearby of Mahima Guest



House an illicit activity of prostitution was being carried out and when the police party raided the petitioner's guest house, the petitioner disclosed himself as manager of the said guest house as well as of Mahima Guest House and he led the police party to the guest house from where the alleged objectionable activity was found. Accordingly, petitioner appears to be actively involved in the alleged immoral activity and in view of the nature of allegation as well as facts appearing from the FIR, he does not appear to be a bona fide staff of the alleged guest house and as per prosecution, the alleged immoral activity concerned to prostitution was being carried out in the guest house in a planned manner and several persons including the owner of the said guest house were indulged in the said activity. I find the petitioner's prayer to be not fit for regular bail at this stage as such his bail prayer stands rejected.

Petitioner may renew his prayer after framing of charge in his case before the Court below. If he avails the said liberty then the learned Court below will decide his regular bail prayer without being prejudiced with present order according to merit.

(Shailendra Singh, J)

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