

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23232 of 2022

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

DINESH KUMAR YADAV @ TIGER @ DINESH KUMAR Son of Nathun
Yadav Resident of Village - pachhatti, P.s.- Bodh Gaya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 28141 of 2022

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

BINESH KUMAR YADAV S/o Nathun Yadav Resident of Village- Pachhatti,
P.s.- Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23232 of 2022)

For the Petitioner/s : Mr. N.K. Agrawal. Sr. Adv.
Mr. Kumar Rajdeep, Adv.
Mr. Arvind Kumar, Adv.

For the Opposite Party/s : Mr. Rajendra Prasad Nat

(In CRIMINAL MISCELLANEOUS No. 28141 of 2022)

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Opposite Party/s : Mr. Ram Naresh Ray

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 15-11-2022 Heard learned counsel for the petitioners and learned
APP for the State.

The instant application for anticipatory bail has been
filed by the petitioners apprehending their arrest in connection
with Bodh Gaya P.S. Case no. 28 of 2022 instituted for the
offence punishable under Sections 3, 5, 6 and 7 of Immoral



Traffic (Prevention) Act, 1956.

As per allegation in the FIR, Petitioner Dinesh Kumar Yadav, owner of Mahima Guest House and Binesh Kumar Yadav, owner of adjacent Guest House situated near Mahima Guest House were running flesh trade. Manager, Chandra Shekar Viraji, Manager-cum-care taker of the said Guest Houses and co-accused Mukesh Kumar, who were apprehended on spot, have disclosed about involvement of the petitioners. As per allegation in the FIR, co-accused Mukesh Kumar used to allure the girls for flesh trade on pretext of providing job. Statements of the girls were recorded u/s 164 Cr.P.C. as well as u/s 161 Cr.P.C. in which they have categorically stated that in connivance with the petitioners, co-accused Mukesh Kumar called them at Bodhgaya and engaged them in flesh trade. Apart from the above facts, mobile phone, which was in the name of the petitioner Dinesh Kumar, was recovered from possession of Manager, Chandra Shekhar Viraji, who was apprehended on spot.

Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. Petitioners are owner of the alleged guest house and they have engaged a manager, namely, Chandra Shekar Viraji



(apprehended co-accused) to look after the business. They were not apprehended on spot. Statement of the girls were recorded u/s 164 Cr.P.C. in which they have not whispered the name of the petitioners rather they had taken the name of co-accused Mukesh Kumar, who had called them and talked on phone. On mere suspicion, petitioners have been implicated in this case. The name of the petitioner has been disclosed in this case by the apprehended co-accused Mukesh Kumar and Chandra Shekhar Viraji before the police, which has no evidentiary value in the eye of law.

Learned APP appearing for the State has vehemently opposed the prayer of bail and submitted that during investigation several witnesses have supported the prosecution case, as mentioned in para nos. 4, 5, 13, 36, 37 of the case diary. Seizure list, mentioned in para-8 of the case diary, also corroborates the alleged offence. There is ample material against the petitioners, so they do not deserve anticipatory bail.

Having heard learned counsel for the parties and in the facts and circumstances of the case as stated above, this Court is inclined to enlarge the petitioners on bail. The petitioners are directed to surrender in the Court below within a period of four weeks from today and in the event of their arrest



or surrender in connection with Bodh Gaya P.S. Case No. 28 of 2022, they will be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned ACJM, Gaya subject to the conditions as laid down under section 438(2) of the Cr.P.C.

(Sunil Kumar Panwar, J)

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