

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25095 of 2022

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

Abhishek Kumar Son Of Jitendra Singh R/O Village- Bandhua Paroriya, P.S.-
Muffasil, District - Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manish Kumar No2, Advocate

For the Opposite Party/s : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-08-2022 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 petitioner and the learned
APP for the State.

Petitioner seeks 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 the 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 indulged in immoral activity of prostitution.

The main submissions advanced by Mr. Manish Kumar No. 2, learned counsel for the petitioner, Abhishek Kumar are that this petitioner has not been named in the FIR and his name has surfaced in the confessional statement of co-accused Mukesh and according to the prosecution he was in contact with Mukesh through his whats'app and merely on that basis he has been dragged into the present case and he was not arrested from the alleged guest house and there is one criminal antecedent against the petitioner i.e. Muffasil P.S. Case No. 22 of 2022 in which he is on bail and he has been languishing in jail since 22.01.2022. Further submission is that there has been no compliance of Section-100 Cr.P.C while preparing of the seizure list as no independent witness signed the seizure list and the same was prepared in the police station.

Learned APP Mr. Shailendra Kumar appearing for the State has opposed the bail prayer.

Heard both the sides and perused the FIR. The petitioner is stated to be a young person as mentioned in his petition. Against



him there is criminal antecedent of one case in which he is on bail and he is not named in the FIR and the main allegation of running im-moral activity relating to prostitution is against the manager and owners of the alleged guest houses and petitioner has taken the plea that he has been made accused in this case mainly on the basis of the statement of co-accused Mukesh Kumar given before the police and also on the basis of petitioner's contact with co-accused Mukesh on whats app. The said plea has not been refuted by the learned APP and he has fairly accepted that the main materials going against the petitioner are the confessional statement of co-accused given before police and his contact with co-accused Mukesh Kumar through whats app. Considering these facts as well as petitioner's custody period and also the fact that several similar situated co-accused persons have been granted bail by this Court, in my view a lenient approach can be taken in respect of petitioner's prayer, let the petitioner 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, on the following conditions.

(1) Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers 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 a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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