

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27385 of 2022

Arising Out of PS. Case No.-218 Year-2022 Thana- BANKA District- Banka

Chandan Thakur Son of Sudhir Prasad Thakur @ Sudhir Thakur, Resident of
Village - Purani Bus Stand, P.S.- Banka, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate.

For the Opposite Party/s : Mr. Syed Mojibur Rahman, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Banka P.S. Case No. 218 of 2022, lodged under Section 376/34
of the Indian Penal Code read with Section 4 of the Protection
of Children from Sexual Offences Act, 2012 alongwith Sections
5, 6 & 7 of the Immoral Traffic Prevention Act, 1956.

As per the prosecution case, the police had made a
raid in a complex namely Thakur Complex where some boys
and girls used to come and stay in hotel. Upon raid one Rohit
Kumar has caught red-hand with a girl.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that petitioner is a Manager of the said hotel and whosoever use to come in his hotel, he used to provide the room. He further submits that boys and girls used to come with their mutual consent and he being the Manager of the hotel used to take their identity card and then provide them room. Learned counsel for the petitioner further submits that there is no allegation of rape against the petitioner, if any, it is against accused Rohit Kumar. He further submits that POCSO is also not made applicable against the petitioner. Learned counsel for the petitioner further submits that petitioner is in custody since 08.04.2022, charge sheet has already been filed in this case and criminal antecedent of petitioner is clean.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Banka in connection with Banka P.S. Case No. 218 of 2022, subject to the conditions as laid down

under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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