

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29321 of 2022

Arising Out of PS. Case No.-26 Year-2021 Thana- MAHILA PS District- Khagaria

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AMARJIT KUMAR @ BAMBAM YADAV SON OF GORAKH YADAV
R/O VILLAGE- LOHAPATTI, P.S.- KHAGARIA, DISTRICT- KHAGARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Viveka Nandsingh

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 08-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable under section 342, 370, 376, 419, 420, 120B of IPC, section 4 of POCSO Act and sections 3, 4, 5, 6, 7 of Immoral Traffic (Prevention) Act.

Allegedly, the police got information that a business of prostitution was going on in Abhay Rest house. Few persons were apprehended from the spot. It is further alleged that the manager and owner of the aforesaid rest house fled away from the spot. The petitioner is the owner of the said rest house and



on that basis he has been made accused in the present case.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to dirty politics. No such occurrence, in the manner as alleged, has ever taken place. The allegation leveled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. One Prakash Sah has been named as the manager of the said rest house and it is stated that much prior to the alleged occurrence i.e. on 21.07.2017, an agreement was executed between the petitioner and Prakash Sah on a non-judicial stamp of Rs.1000/- in which accused Prakash Sah is 1st party and he is tenant of the rest house and petitioner is the 2nd party, who is the owner of the said rest house. The aforesaid agreement was executed for a period of 5 years i.e. from 21.07.2017 to 20.07.2022 on the rent of Rs.30,000/- per month, which is also mentioned in annexue-2 of the bail application. Therefore, on the date of occurrence co-accused Prakash Sah was the tenant of the aforesaid rest house and he was also running it. Petitioner has one criminal antecedent.

Learned APP for the State opposed the prayer for anticipatory bail.



Having regard to the facts and circumstances of the case, since there is no specific overt act against the petitioner, let the above named petitioner be released on bail, in the event of his arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in Khagaria Mahila P.S. Case No.26 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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