

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29513 of 2022

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

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Mukesh Kumar @ Suresh Thakur S/O Hareshwar Thakur Resident Of
Village- Belaganj Bazar, P.S.- Belaganj, Dist.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate.

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

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-09-2022 Learned counsel for the petitioner is permitted to

remove defect(s), as pointed out by the office, if any, within a

period of four weeks from today.

Heard Mr. Manish Kumar No.2, learned counsel for
the petitioner as well as learned Additional Public Prosecutor for
the State.

The application for grant of bail to the petitioner,
above named, who has been made accused and put behind the
bar in connection with Bodhgaya P. S. Case No. 28 of 2022
registered for the offences punishable under Sections 3, 5, 6 and
7 of the Immoral Traffic (Prevention) Act, 1956.

As per the prosecution case, it is alleged that on
18.01.2022, the police, on a secret information that some
persons are engaged in immoral trafficking, raided the guest



house and apprehended one boy and two girls. The victim girl disclosed the name of the petitioner that she was called from West Bengal by this petitioner and on the disclosure made by the victim girl, the petitioner was apprehended.

Learned counsel appearing on behalf of the petitioner submitted that from the tenor of the F.I.R., it is evident that neither any force nor any allurement was given by the petitioner rather the victim girl voluntarily came to Bodhgaya, where she was apprehended. It is also submitted that the petitioner was neither apprehended from the guest house nor any incriminating material has been recovered from his person or possession and further more all the offences are triable by the Magistrate and he is in custody since 21.01.2022.

On the other hand, learned APP for the State opposes the bail application and submits that earlier the petitioner was made accused in similar nature of crime as is evident from paragraph 3 and as such, the complicity of the petitioner cannot be ruled out.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the offences are triable by the Magistrate, apart from the period of incarceration and the statement of the victim, let the petitioner,



above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya in connection with Bodhgaya P. S. Case No. 28 of 2022, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The Court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancelling of bail bond of the



petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Harish Kumar, J)

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