

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31451 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Rahul Kumar S/o Lalu Patel Resident of Village - Pipal Chowk, Baswariya,
Ward No. 30, P.S.- Bettiah (Town), District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner 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

Bettiah Town P.S. Case No. 189 of 2022 registered for the

offences under Sections 346, 370, 370A, 372, 373, 376, 120B of

the Indian Penal Code, Sections 4, 6, 12 and 17 of the POCSO

Act and 3, 4, 5, 6, 7 and 8 of Immoral Traffic Act.

As per the allegation, the police raided Biryani House

Restaurant on getting the information that an illegal immoral

activity was being run at the said restaurant and on search one



girl was found in the compromising position with a person namely Mukesh Kumar and some objectionable articles like used and unused condoms, anti-pregnancy kits etc., were also recovered from the restaurant and recovered victim alleged that her aunt Sunita Devi and other lady namely Ranju Kumari forced her into flesh trade and the petitioner is alleged to be the staff of the said restaurant and having cooperated the co-accused persons in bringing the customers at the said restaurant.

The main submissions advanced by the learned counsel Mr. Sanjeev Kumar for the petitioner are that in the FIR the petitioner has been wrongly shown as staff of the alleged restaurant, in actual on the alleged date and time of raid the petitioner visited the said restaurant for eating Biryani and he was wrongly arrested as treating him to be the staff of the restaurant and during the course of investigation, the victim girl who was recovered at the restaurant has not alleged any role of this petitioner in the allegation of immoral activity of flesh trade and the petitioner has clean antecedent and has been languishing in jail since 14th March, 2022.

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

In view of above submissions and considering the



petitioner's clean antecedent and his custody period and mainly taking into account the fact that as per the FIR one victim girl was recovered from the alleged restaurant and she mainly made allegation against her aunt and other woman and restaurant's owner and the petitioner is stated to be a staff of the said restaurant, in the opinion of this Court, a lenient approach can be taken in respect of the 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 the concerned Court in connection with Bettiah Town P.S. Case No. 189 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.



(4) The Court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the Court below shall take strict action against him for cancellation of his bail bond.

(Shailendra Singh, J.)

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