

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39344 of 2022

Arising Out of PS. Case No.-279 Year-2022 Thana- DAUDNAGAR District- Aurangabad

NAGENDRA KUMAR S/o Shidheshwar Yadav R/o village- Pahrawa, P.S.-
Aurangabad (M), District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Advocate.
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-10-2022 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. Krishna Prasad Singh, learned senior 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 Daudnagar P. S. Case No. 279 of 2022 registered for the offences punishable under Section 290 of the Indian Penal Code and Sections 3, 4, 5, 6 and 7 of the Immoral Trafficking (Prevention) Act, 1956.

The police on a confidential information with regard to the operating flesh trade and prostitution in Hotel Verma Inn,



raided the place, in question, and the petitioner was apprehended from the Room No. 101 of the said hotel along with a lady in an objectionable condition.

Learned counsel appearing on behalf of the petitioner submitted that in fact, the petitioner was apprehended along with his girl friend, who is a major one and as such, no offence is made out under any of the penal provision of the Immoral Trafficking (Prevention) Act, 1956. It is also submitted that the girl along with whom the petitioner was apprehended had never made any complaint against the petitioner and so far the petitioner is concerned, he is having clean antecedent, is in custody since 25.05.2022. It is further submitted that other co-accused person having similar allegation has already been enlarged on bail by learned coordinate Bench of this Hon'ble Court in Cr. Misc. No. 38058 of 2022 vide order dated 23.09.2022.

On the other hand, learned APP for the State opposes the bail application.

Regard being had to the submissions made on behalf of the parties and taking into account the fact that the petitioner was apprehended along with his girl friend, who is a major one and the other co-accused person having similar allegation



has already been granted bail by learned co-ordinate Bench of this Hon'ble Court, 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 Sub-Divisional Judicial Magistrate, Daudnagar, Aurangabad in connection with Daudnagar P. S. Case No. 279 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.

(Harish Kumar, J)

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