

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44869 of 2022

Arising Out of PS. Case No.-72 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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UDAY KUMAR @ UDAY PASWAN son of Yogendra Paswan Resident of
Village - Fesar, Police Station- Fesar, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Purushotam Sharma
For the Opposite Party/s : Mr.Ajay Kumar Jha

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 05-12-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with

Aurangabad Town P.S. Case No. 72 of 2020 registered for the

offences punishable under Sections 290 of the Indian Penal

Code and Section 3, 4, 5, 6 and 7 of the Immoral Traffic

(Prevention) Act, 1956.

As per prosecution case, informant entered into the

hotel and got open a room which was locked from inside and

found one boy and girl were in compromising condition. On

query by lady officer-in-charge, the victim girl stated her name



and aged about 22 years whereas boys told his name and age about 20 years. It is alleged that when other rooms of hotel were searched four ladies were found in room and on query by the lady officer-in-charge they further stated that they had come there on earlier occasions on the call of two ladies and were paid 1000/- each. It is further alleged that upon search several incriminating articles were recovered from room besides mobile phone. It is further alleged that sex racket was being operated in the collusion of the two ladies alongwith hotel room owner sanjeev singh and his associates Uday Kumar (present petitioner) at hotel.

Learned counsel for the petitioner submits that petitioner is in custody since 06.02.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is not the owner of the said hotel and his name has been surfaced as associate of the owner of the said hotel. Basically, petitioner has nothing to do with the alleged occurrence. He further submits that no incriminating articles have been recovered from the conscious possession or house of the petitioner. He further submits that allegation is on other co-accused who are ladies and they used



to call the ladies and forced them for prostitution. There is no specific allegation against the petitioner. The allegation against the petitioner is general and omnibus in nature. He further submits that petitioner is quite innocent and falsely implicated in the case.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both and also taking into consideration the material available on record, let the petitioner above named be released on bail, **after framing of charge** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Aurangabad in connection with Aurangabad Town P.S. Case No. 72 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.



(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

vashudha/-

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