

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59839 of 2021

Arising Out of PS. Case No.-529 Year-2021 Thana- FORBESGANJ District- Araria

Amrit Kumar Poddar @ Amit Kumar Poddar S/o Mahendra Poddar Resident
of Village - Pachira, Ward No. -05, P. S. - Raniganj, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate.

For the Opposite Party/s : Mr. Ramchandra Sahni, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2022 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 learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

The present application has been filed for grant of
regular bail to the petitioner, above named, who has been made
accused and put behind the bar in connection with Forbesganj P. S.
Case No. 529 of 2021 registered for the offences punishable under
Sections 3 (ii)(a)(b), 4/5/7 of the Immoral Traffic (Prevention) Act,
1956.

As per the prosecution case, it is alleged that the
Police on information that illegal business of prostitution is going
on in Alisa Rest House, raided the said rest house. On the raid
made by the Police two girls along with two boys including this
petitioner have been recovered, who were found to be in
objectionable condition.



Learned counsel on behalf of the petitioner submits that the petitioner that the petitioner was neither arrested from the place of occurrence and nor any incriminating material has been recovered from his possession which suggest involvement of this petitioner in immoral traffic. It is next submitted that the girls who were allegedly recovered, have not been sent to the Court for recording of their statement under Section 164 Cr. P.C.. It is also submitted that even as per the F.I.R., no case is made out under Section 3 (ii) (a) (b) of the Immoral Traffic Act. It is further submitted that the investigation has already been completed and this petitioner is in judicial custody since 20.07.2021, having no criminal antecedent. It is lastly submitted that one of the co-accused, namely, Md. Sahid Ali @ Sahid Ali @ Sahid Ali Ansari has already been granted bail this Hon'ble Court in Cr. Misc. No. 57383 of 2021 vide order dated 05.04.2022.

On the other hand, learned APP for the State opposes the bail application of this petitioner and submits that the petitioner was caught in the premises with a girl where the illegal business of prostitution was going on.

Having heard the submissions made on behalf of the parties and taking into consideration this fact that this petitioner is in custody since 20.07.2021 and investigation has been completed and the charge-sheet has already been submitted apart from the



fact that the petitioner has no criminal antecedent, 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, Araria in connection with Forbesganj P. S. Case No. 529 of 2021, 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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