

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60806 of 2021**

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

Mithu Kumar Yadav @ Mithu Kumar @ Mithu S/o- Manoj Yadav Resident of
Village- Palasi, Ward No. 6, P.S.- Narpatganj, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha

For the Opposite Party/s : Mr.Yogendra Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 18-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Forbesganj P.S.Case No. 529 of 2021 for the offences
punishable under Sections 3(ii)(a)(b),4/5/7 of the Immoral
Traffic Act 1956.

As per the prosecution case, it is alleged that on
secret information, police raided one Alisha Rest House, where
illegal business of prostitution was running. It is further alleged
that the petitioner along with one lady was recovered in
objectionable condition in one of the room of the Rest House.

It is submitted on behalf of the learned counsel for the



petitioner that petitioner and the lady, who is said to have been recovered from the room are married and their marriage had been settled prior to the alleged occurrence. It is further submitted that other co-accused persons namely, Md. Sahid Ali @ Sahid Ali @ Sahid Ali Ansari and Amrit Kumar Poddar have already been granted bail by this Hon'ble Court in Cr. Misc. No.57383 of 2021 vide order dated 05.04. 2022 and in Cr. Misc. No. 59839 of 2021 vide order dated 12.04.2020 respectively. It is next submitted that the police has not even recorded the statement of alleged victim lady nor her statement has been recorded under section 164 of the Cr.P.C and this petitioner having no criminal antecedent is in custody since 20.07.2021.

The learned A.P.P opposed the prayer for bail of the petitioner.

Having heard the rival contentions of the parties and taking into consideration the fact that petitioner and victim lady have known each other and their marriage had been settled prior to the alleged occurrence. Moreover, other co-accused persons have been granted bail by this Court and this petitioner having no criminal antecedent is in custody since 20.07.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (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 relatives 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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