

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69445 of 2021

Arising Out of PS. Case No.-583 Year-2021 Thana- AHİYAPUR District- Muzaffarpur

Deepak Kumar @ Deepak Singh, S/o Shri Nagendra Prasad Singh, Resident of Mohalla- Shiv Shankar Path, Mithanpura, P.S.- Mithanpura, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 29-07-2022 Heard learned counsel for the petitioner and learned APP for the State through video conferencing.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Ahiyapur P.S. Case No. 583 of 2021 registered for the alleged offences under Sections 376, 376(G)/34 of the Indian Penal Code, Sections 3, 4, 5 of the Immoral Traffic Prevention Act 1956 and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the petitioner was apprehended along with a girl when a raid was conducted by the police on information that some persons were involved in immoral trafficking. Total 50 ml India made foreign liquor and some contraceptives were recovered from that place.



The learned counsel for the petitioner submits that the petitioner is innocent and no case under Section 376, 376(G)/34 IPC is made out against this petitioner. The recovery of liquor is also not from the possession of this petitioner as the same has been recovered from a house not belonging to this petitioner. The learned counsel further submits the girl is aged above 18 years and there was no question of exploitation or commission of rape as she has been willingly doing the work of sex worker. The petitioner is in custody since 01.09.2021 and the charge-sheet has been submitted in this case.

Learned APP vehemently opposes the prayer for bail submitting that the victim girl stated that the petitioner and other co-accused persons were doing wrong act with her.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the Medical Board assessed the age of the victim girl to be between 19 to 20 years and she has refused to undergo medical checkup and further considering the fact that the charge-sheet has been submitted in this case and the petitioner is in custody since 01.09.2021, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like



amount each to the satisfaction of learned Special Judge, Excise Act, Muzaffarpur in connection with Ahiyapur P.S. Case No. 583 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

(i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.

(ii) One of the bailors will be the deponent, who has sworn the affidavit.

(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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