

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70407 of 2021

Arising Out of PS. Case No.-384 Year-2020 Thana- DALSINGHSARAI District- Samastipur

LAL BAHADUR SAH Son of Late Lakhilal Sah Resident of village -
Mahisari, P.S.- Ujiyarpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. V.N.P. Sinha, Sr. Adv.
		Mr.Sanjay Kumar Singh
For the Opposite Party/s :		Mr.Suresh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 30-06-2022 Supplementary affidavit has been filed on behalf of
the petitioner. Let it be kept on record.

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
Dalsingsarai P.S. Case No. 384 of 2020 registered for the
offences punishable under Sections 114, 372, 34 of the Indian
Penal Code and Sections 3, 4, 5, 6, 7 of the Immoral Trafficking
(Prevention) Act, 1956 besides Section 376 of Indian Penal
Code and Section 4/6 of the POCSO Act which has also been
added vide order dated 03.02.2021.



As per prosecution case, the informant, Sub Inspector, received information that immoral trafficking work has been going on in the Hotel Siddhi Vinayak situated at Ghospur Road belonging to one Lal Bahadur Sah who is present petitioner with the assistance of his son namely Kundan Kumar and others. It was alleged that the business of immoral trafficking and prostitution of minor girl was going on. Informant reached the said hotel and found that co-accused Kundan Kumar and Pappu Kumar were present at the reception counter who disclosed that Lal Bahadur Sah (petitioner) was the owner as well the Manager of the hotel and all activities were being run as per his wishes only. They further disclosed that Ram Bharos Singh had also an active role in alluring the girls for calling in the hotel. When hotel was raided further and search was made then in Room No. 105 one person along with female was found in objectionable/compromising position along with condoms, upon enquiry they disclosed their name as Sumit Kumar Chaudhary and Jyoti Kumari respectively. Further when Room No. 103 was searched then again one male and one female was found in compromising position along with condoms and upon enquiry, they disclosed their names as Birendra Kumar and July Kumari respectively. Further another



female came out from room no. 102 and disclosed her name as Soni Kumari who told the informant that petitioner used to call the minor girls in the hotel and force them into the immoral act of prostitution and used to collect money. This fact was supported by Jyoti Kumari and July Kumari, found in room no. 105 and 103 respectively. They also disclosed that co-accused Kundan Kumar used to assist his father Lal Bahadur Sah (petitioner) in the entire immoral act. Therefore, seizure list was prepared and co-accused Pappu Kumar and Kundan Kumar were apprehended.

Learned counsel for the petitioner submits that petitioner is in custody since 17.11.2021. Petitioner bears no criminal antecedent. Charge-sheet has already been submitted in the case and there is no likelihood of tampering the prosecution evidence. It has further submitted that under the facts and circumstances of the case no case is made out against the petitioner under any section of IPC, Immoral Trafficking Act and POCSO Act. He further submits that on the alleged date of occurrence i.e. on 14.12.2020 the hotel of the petitioner was booked for a marriage ceremony and one Naveen Mahto has booked the hotel on 17.11.2020 on consideration money of Rs. 35,000/- and paid Rs. 5,000/- as advance. Photo copy of the



same is annexed as Annexure-3 to the petition.

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, nature of allegation and keeping in view clean antecedent of petitioner and charge-sheet has already been submitted and also taking into consideration the material available on record, let the petitioner above named be released on bail, **if the trial is not concluded within nine months from the date of receipt/production of copy of this order** on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV cum Special Judge (POCSO) Act, Samastipur in connection with Dalsingsarai P.S. Case No. 384 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 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)

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