

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1856 of 2022

Arising Out of PS. Case No.-236 Year-2021 Thana- AMNAUR District- Saran

1. Shankar Kumar Sah, Son of Sanjay Sah, R/o village Pirauta, P.S. Baniyapur, District - Saran at Chapra.
2. Anup Kumar, Son of Ramlal Sah, R/o Village - Ibrahimpur, P.O.- Harpur, P.S. Baniyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sumit Shekhar Pandey, Advocate
For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-10-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State through video conferencing.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

In the present case, the petitioners seek bail in
connection with Amnour P.S. Case No. 236 of 2021 registered
for the alleged offences under Sections 3, 4, 5, 7 of Immoral
Traffic (Prevention) Act, Section 376 of the Indian Penal Code
and 4/6 of POCSO Act.

As per prosecution case, a raid was conducted on a
hotel on getting information about gathering of criminals in the
said hotel. However, the petitioners and two girls were found in



objectionable condition in two rooms of the hotel and condoms and some medicines were recovered.

Learned counsel for the petitioners submit that the petitioners have been falsely implicated in this case without any specific allegation against him. The hotel also serves meals and snacks and boys and girls were having their lunch and during this period the raid was conducted and they were apprehended. Even in their statements recorded under Section 164 Cr.P.C., the girls stated that they had come to the hotel to take lunch and they did not know the petitioners with whom they were allegedly seen in compromising condition. Learned counsel further submits that the medical examination of the girls was conducted and their age was assessed to be 20 years and 22 years, respectively. Learned counsel further submits that as the girls were major, no offence under the POCSO Act would be made out. The petitioners are in custody since 25.09.2021. Charge sheet has been submitted.

Learned A.P.P. opposes the prayer for bail submitting that the petitioners were allegedly seen in compromising condition with two girls in a hotel and they were apprehended from the spot.

Having regard to the facts and circumstances and



submissions made hereinabove and considering the submission of charge sheet and the period of custody of the petitioners, they are directed to be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POSCO, Saran at Chapra, in connection with Amnour P.S. Case No. 236 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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