

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10653 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- MAHILA PS District- Buxar

Rajesh Yadav Son of Ramlakhan Yadav R/o Village - Manoharpur, P.S.-
Bhawarkol, District - Gazipur (Uttar Pradesh).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bimlesh Kumar Pandey, Adv. Mr. Amit Kumar Pandey, Adv.
For the Opposite Party/s	:	Mr. Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 04-05-2023 Heard Mr. Bimlesh Kumar Pandey, learned counsel
appearing on behalf of the petitioner and Mr. Vinod Shanker
Modi, learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail, who is in custody in
connection with Buxar (Mahila) P.S. Case No. 66 of 2022
registered for the offences punishable under Sections 419, 420
and 376 of the Indian Penal Code and Sections 3, 4, 5, 7 and 9
of the Immoral Traffic Act and Sections 4 and 8 of the POCSO
Act.

The police on a tip-off regarding ongoing sex racket
in some of the Hotels at Buxar, conducted raid and several boys
and girls were caught in compromising position. The petitioner
is said to be the Manager of one of the Hotels, namely, Paradize



Hotel.

Learned counsel for the petitioner submits that from the materials available on record as well as the allegation made in the FIR, no offence is made out under the Protection of Children from Sexual Offences Act against the petitioner, apart from the fact that the apprehended persons never made any sort of allegation against the petitioner that any force, inducement or seduction has ever been made by the petitioner. He further submits that the petitioner being Manager of the Hotel has allowed accommodation only those persons, who have come with their valid identity proof and if any suppression has been made, that is on the part of the customer and not on the part of the petitioner and, as such, no offence under Sections 419 and 420 of the IPC is made out. He next submits that the petitioner having fair antecedent is in custody since 29.12.2022.

On the other hand, learned counsel for the State opposes the bail application and submits that the Hotel was being used for sex racket.

Regard being had to the submissions made on behalf of the parties and considering the fact that the apprehended persons never made any sort of allegation against the petitioner and the specific allegation of inducement or



seduction has been made against other co-accused persons, coupled with the period of custody and the fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge, POCSO, Buxar in connection with Buxar (Mahila) P.S. Case No. 66 of 2022, 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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