

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9837 of 2023

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

ANSHU KUMAR Son of Bindeshwar Ram Resident of Jagdev Path, Ara
Garden, P.S.- Hawai Adda, District - Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 12721 of 2023

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

SANJEEV KUMAR S/O Dineshwar Prasad Singh @ Dineshwar Prasad Sinha
R/O Chinni Mill, P.S- Buxar Town, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 17573 of 2023

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

MD. ARIF S/o Anwar Mohammad R/o Ward no. 6, Dumraon, P.S.- Dumraon,
Distt- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 9837 of 2023)
For the Petitioner/s : Mr.Kumar Kaushik, Adv.
For the Opposite Party/s : Mr.Manoj Kumar, APP
For the Victim : Mr. Ujjawal Bhushan, Adv .
(In CRIMINAL MISCELLANEOUS No. 12721 of 2023)
For the Petitioner/s : Mr. Krishna Prasad Singh, Sr. Adv.
Mr.Mohit Shriwastava
For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP
(In CRIMINAL MISCELLANEOUS No. 17573 of 2023)
For the Petitioner/s : Mr.Ravindra Kumar, Adv.
For the Opposite Party/s : Mr. Anil Kumar, APP



CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 08-05-2023 Heard learned counsel for the petitioners and learned counsel for the victim as well as learned A.P.P. for the State.

All three cases are being clubbed and heard together as they are arising out of same police station case being Mahila P.S. Case No. 66 of 2022.

The petitioners seek bail in connection with Mahila P.S. Case No. 66 of 2022 dated 28.12.2022 registered for the offence under Sections 419, 420 and 376 of the Indian Penal Code and Section 4 and 8 of the POCSO Act and Sections, 3,4,4,7,9 of the Immoral Traffic (Prevention) Act, 1956.

Altogether 24 persons, male and female, are alleged to have been apprehended by the police in objectionable condition after the raid was conducted in the Hotel Anita, Hotel Paradise and Hotel Vaishnavi. Allegedly, immoral activities are being carried out in the hotels in question.

Learned counsel appearing for the petitioners unanimously submits that the petitioners, who are of clean antecedents, are innocent and have falsely been implicated



in this case and they are made a victim of circumstance only.

For the better adjudication of this case, case of these petitioners are being dealt with separately.

So far as petitioner, namely, Anshu Kumar, is concerned, it has been submitted on his behalf that the marriage of this petitioner has been fixed by his parents with Khushboo Kumari, who is stated to have been apprehended with the petitioner in the hotel in question during raid. He further submits that both of them were exchanging their words since they are to perform marriage with the consent of their parents. He also submits that neither the petitioner nor Khushboo Kumari was known about the immoral activity being carried out by the Hotel administration. Neither the petitioner was the customer nor he was involved in any immoral activities. He further submits that the petitioner is languishing in judicial custody since 29.12.2022.

As regards, petitioner, namely, Sanjeev Kumar, is concerned, it has been submitted in his behalf by the learned senior counsel that the petitioner is said to be the Manager of the Anita Hotel and he was not present at the time of raid being conducted by the police rather he was called at the



place of occurrence and has been taken into custody by the police. It is further contended that the petitioner has not played any role in the alleged occurrence nor any of the female or male has stated anything about his involvement in the alleged affairs of immoral activity. He further submits that the females who have been apprehended on the spot have also not whispered anything about the petitioner. He further submits that petitioner has been languishing in judicial custody since 29.12.2022 without any fault.

As far as the petitioner, namely, Md. Arif, is concerned, it has been contended that the petitioner was went to the hotel in question for the light refreshment with girl who allegedly caught by the police. He further submits that the girl was niece of the friend of petitioner's brother, namely, Suhail Alam, with whom marriage negotiation was being carried out. He further submits that neither the petitioner nor the girl in question was involved in such activities as alleged in the F.I.R. The girl in her statement has not disclosed anything wrong done by the petitioner despite that the petitioner is languishing in judicial custody since 29.12.2022.

Learned counsel for the petitioners herein, submits



in unison that case of the several co-accused persons who have been apprehended in this case with same set of facts and allegations have been considered for the purpose of bail and they have been allowed bail by different co-ordinate Benches of this Court vide order dated 03.05.2023, 04.05.2023 and 28.04.2023 passed in Cr. Misc. Nos. 9565 of 2023, 10653 of 2023, 11007 of 2023 and 15434 of 2023, respectively. It is also contended that no case under Section 376 of the Indian Penal Code is made out against any of the petitioners nor the offence attracts ingredient of Section 4 and 8 of the POCSO Act as no females are minor in this case. Hence, these petitioners may also be extended the privilege of bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge, VI-cum-Special Court, POCSO Act, Buxar in connection with Mahila P.S. Case No. 66 of 2022 with the following conditions:-



(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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