

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17595 of 2023**

Arising Out of PS. Case No.-865 Year-2022 Thana- JAHANABAD District- Jehanabad

MANOJ KUMAR S/O- GUDDU SAO @ GANAURI SAW Village- Purvi
Unta Ps and Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anshul Kumar, Advocate Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 20-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 11.02.2023 in connection with POCSO Case No.06 of 2023 arising out of Jehanabad Town P.S. Case No. 865 of 2022, F.I.R. dated 12.09.2022 for the offences punishable under Sections 370(a)/34 of the Indian Penal Code, Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

3. According to prosecution case, the informant being a police official, after receiving a secret information of immoral trafficking, raided the Omkara Rest house and Sheo Saty rest house. It is alleged that some boys and girls were recovered in



unwanted condition from the aforesaid rest house. The petitioner is also alleged to be recovered from the aforesaid rest house.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that bare perusal of F.I.R. it appears that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation and the petitioner is a Guard of the Hotel in question and the statement of all the victim were recorded but none of them have said about the petitioner. He further submits that similarly situated, co-accused persons, who were found in unwanted condition namely, Rohit Raj, Md. Firoz @ Firoz Ansari and Prashant Kumar have been granted bail by a co-ordinate Bench of this Court vide orders dated 09.02.2023 passed in Cr. Misc. No.69392 of 2022, 23.02.2023 passed in Cr. Misc. No.69990 of 2022 and 24.02.2023 passed in Cr. Misc. No. 67519 of 2022 respectively. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 11.02.2023.



5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge, (POCSO) Act, Jehanabad in connection with POCSO Case No.06 of 2023 arising out of Jehanabad Town P.S. Case No. 865 of 2022, subject to the following conditions:-

1. Petitioner 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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. And further condition that the court



below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. 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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