

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27249 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- MEHSI District- East Champaran

Arbaj Khan son of Firoj Khan Resident Of Village-Bishambharpur Ps- Meshi
District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Murari Sharan Tiwari, Advocate

For the Opposite Party/s : Mrs. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 17.08.2022, in connection with Mehshi P.S. Case No. 247 of 2022, F.I.R. dated 16.08.2022 registered for the offences punishable under Sections 3, 4, 5 & 6 of Immoral Human Traffic (Prohibition) Act, 1956 and Section 8 of the POCSO Act.

3. The prosecution case, in brief, is that on 16.08.2022 the informant received a secret information that in Pink Hotel near Harpur Nag Halt an immoral sex trafficking is going on. On that secret information, the informant police officer along with other police party raided the Pink Hotel and arrested other co-accused persons and this accused petitioner also. During course of search of room no. 107, the accused



petitioner and one girl were found in compromising position and one black coloured mobile, two pieces of cigarette and one piece of condom has been recovered.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the petitioner was apprehended and one girl was also found in compromising position with the petitioner in room no. 107 of Pink Hotel in question. He further submits that the age of the Sarita Kumari who was accompanied with the petitioner is about 19 years and hence no case is made out against the petitioner under POCSO Act. He further submits that co-accused person namely Rikki Kumar has been granted bail by this Court vide order dated 17.03.2023 passed in Cr. Misc. No. 56811 of 2022, another co-accused person namely Brajesh Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 57050 of 2022, another co-accused person namely Aditya Kumar has been granted bail by a Coordinate Bench of this Court vide order dated 16.01.2023 passed in Cr. Misc. No. 56489 of 2022 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner



and the petitioner is in custody since 17.08.2022.

5. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

6. In view of the aforesaid facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VIIth cum Special Judge, POCSO Act, East Champaran at Motihari, in connection with Mehsi P.S. Case No. 247 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 witness, 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 antecedents, 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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