

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20977 of 2023

Arising Out of PS. Case No.-75 Year-2023 Thana- GAYA KOTWALI District- Gaya

Gopal Prasad Agrawal, Son of Late Murari Prasad Agrawal, R/O Mo- Laheria
Tola, P.S.- Kotwali, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. D.K. Sinha, Sr. Advocate
Mr.Bajarangi Lal, Advocate
For the Opposite Party/s : Mr.Zainul Abedin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-05-2023 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Kotwali P.S. Case No. 75 of 2023 registered for the alleged offences under Sections 3, 5, 6 & 7 of Immoral Traffic (Prevention) Act, 1956.

3. As per prosecution case, the police conducted a raid at the guest house of the petitioner and found two couples in compromising position. The allegation is that the petitioner was providing rooms for immoral acts of persons apprehended.

4. Learned senior counsel appearing on behalf of the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was not present at



the guest house at the time of raid and he reached there on receipt of the information about the raid being conducted by the police. The police did not find any material to show that any brothel was being run from the guest house of the petitioner and the statement of the girls intercepted from the guest house were recorded and they stated that they have come to the guest house to celebrate a birth day party. The learned senior counsel further submits that moreover it was the manager who has been looking after the day to day running of the guest house and the petitioner never permitted the manager to use the guest house for immoral trafficking. Further, no incriminating article has been recovered from the possession/person of this petitioner and not even from the manager of the guest house and whatever has been recovered, it was from the possession of intercepted boys and girls, who are all majors. The petitioner is in custody since 30.01.2023 and the charge sheet has been submitted. The petitioner is having clean antecedent and he is a legal practitioner in Civil Court. Gaya.

5. Learned A.P.P. opposes the prayer for bail submitting that the petitioner is involved in immoral trafficking and allowed his guest house to be used for the said purpose.

6. Having regard to the facts and circumstances and submissions made hereinabove and considering the lack of



substantive material against the petitioner to connect him with the offence as alleged and further considering the submission of charge sheet and the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Gaya, in connection with Kotwali P.S. Case No. 75 of 2023, 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 petitioner.
- (ii) The petitioner 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 bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

(Arun Kumar Jha, J)

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