

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30490 of 2023

Arising Out of PS. Case No.-4 Year-2023 Thana- MAHILA P.S District- West Champaran

Narayan Sah Son Of Mohan Sah Resident Of Village- Shekhauna Math, Ps-
Bettiah,(Muffasil), Distt- West Champaran , Bettiah

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Digvijay Kumar Ojha, Advocate
For the Opposite Party/s : Mr. Binay Krishna, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 21-08-2023 Heard the parties.

The petitioner is in judicial custody in connection with Bettiah (Mahila) P.S. Case No.4 of 2023 instituted under Sections 420,370,370(5), 370(6), 372, 373, 376(DA), 420B, 34 of the IPC 4,5,8,17 of the POCSO Act 3,4,5,6,7,8 of the Immoral Trafficking Prohibition Act, under Section 3(i)(r)(s) SC/St Act and 37 B.P. and Excise Act, 2016 lodged on 24.01.2023 by the informant Sudha Kumari.

As per the prosecution story, the Officer-in-charge submitted a written statement alleging that after she got information from the Dy.S.P. under her jurisdiction, she raided the Narayan Guest House and recovered minor girls and a boy under objectionable condition. In the presence of independence witnesses, two persons were arrested. Other articles like condoms etc were also recovered/seized. Upon inquiry, the victims disclosed that the Hotel owner, the Manager and a lady



were running the business of sex racket and they were forced into it and were blackmailed of dire consequences, if they leave the place. Accordingly, the FIR.

It is the case of the petitioner that he being the owner was fully dependent upon the Manager having no knowledge of the alleged immoral trafficking being done in his hotel. He has suffered by being in custody since 25.01.2023, though he concede that he has criminal antecedent. The last submission is that one of the co-accused, the Manager of the hotel has since been released on bail vide Cr. Misc. No.30395 of 2023 by a coordinate bench.

Let the same be kept on record.

In this case, a coordinate bench had called for the case diary which has since been received and learned APP has drawn attention of the statement of the minor girls which support the prosecution story.

To this, learned counsel for the petitioner reiterates that he being the hotel owner, had little knowledge and thus has suffered. It is his further submission that without accepting the allegation and/or the outcome of the present petition, the petitioner on its own would like to pay rehabilitation cost for the victim girls (the two minors and a major) as Rs.50,000/- each



through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant so that the same be handed over to the three victims.

Learned APP opposes the prayer for bail.

Taking into account the facts on record, the petitioner is in custody since 25.01.2023, the Hotel Manager, Ashok Pandey who was the person running the guest house, has since been released on bail, as stated above, this Court is inclined to extend him privilege of bail, subject to payment of Rs.50,000/- each to the three three victims as undertaken above by the learned counsel for the petitioner.

It will be the duty of the Trial court to see to it that all the three victims get the Rs.50,000/- each amount through the informant and receipt thereof along with 'AADHAR' of the victims be submitted to the Trial Court.

Let the petitioner be released on bail on furnishing bail bond of Rs.50,000/-(Rupees Fifty Thousand) with two sureties of the like amount each in connection with Bettiah (Mahila) P.S. Case No.4 of 2023 to the satisfaction of learned Special Judge, POCSO cum ADJ-VI, West Champaran, Bettiah, subject to following conditions:



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for a year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Prakash Narayan

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