

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29721 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

Mukesh Kumar Yadav Son Of Mahanth Yadav Resident Of Village- East
Banuchhapar Ward No 13 P.S- Banuchhapar O.P (MUFFASIL) Dist- West
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 32902 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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Rambabu Paswan Son Of Bihari Paswan Resident Of Village- Misrauli, P.S.-
Chanpatiya (sanichari), District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 34030 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BETTIAH CITY District- West
Champaran

=====

Ranju Kumari D/O Dhurup Chaudhary R/O Village- Bagahi, Nimiya Tola,
P.S.- Bairiya, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 41312 of 2022

Arising Out of PS. Case No.-189 Year-2022 Thana- BETTIAH CITY District- West
Champaran

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SUNITA DEVI W/o Devnath Giri @ Dinanath Resident of Village - Yadopur,
Bishunpura, P.s.- yadopur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :
(In CRIMINAL MISCELLANEOUS No. 29721 of 2022)



For the Petitioner/s : Mr.Nilendu Kumar Choudhary, Advocate
For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP
(In CRIMINAL MISCELLANEOUS No. 32902 of 2022)
For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ram Anurag Singh, APP
(In CRIMINAL MISCELLANEOUS No. 34030 of 2022)
For the Petitioner/s : Mr.Sanjeev Kumar, Advocate
For the Opposite Party/s : Mr.A.P.P.
(In CRIMINAL MISCELLANEOUS No. 41312 of 2022)
For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate
For the Opposite Party/s : Mr.Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

10 11-04-2023 Heard learned counsel for the petitioners and the learned A.P.P. for the State.

Learned counsel for the petitioners is permitted to remove the defect (s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek bail in connection with Bettiah Town P.S.Case No.189 of 2022, F.I.R. dated 14.03.2022 registered for the offence punishable under Section 346,370,370(A), 372,373,376 and 120(B) of the Indian Penal Code, Sections 4,6,12 and 17 of the Prevention of Children from the Sexual Offences (POCSO) Act and Sections 3,4,5,6,7 and 8 of the Immoral Trafficking Act, 1956.

The prosecution case, as stated in brief, is that on 14.03.2022 at about 20.00 hours a police team raided the Biryani House Restaurant on secret information that there illegal work of prostitution and trading of wine was being done. The



police team arrested one lady and a person from the counter of the said restaurant and one staff of the said restaurant. When the police team opened the room, they found a minor girl in the objectionable position with a 30 to 35 years old person. Thereafter, on inquiry the police team came to learn about the names of the accused persons and also the name of the victim and the person caught with her. On further inquiry the victim disclosed that her Aunt namely Sunita Devi had induced her to this Hotel, forced her to engage in the prostitution and today also physical relation was being established with her forcibly but the police had arrived in the meantime. Thereafter, the police team had searched the hotel and seized used and unused objectionable article. The mobile phones were seized from the possession of the accused persons. The police team has also seized some bottle of wine and some empty bottles. On further inquiry the police team has come to know that the Manager of the restaurant Rambabu Paswan induces the girls from the village and forces them for prostitution. Thereafter, the police arrested the accused persons.

Learned counsel appearing for the petitioners submits that petitioner-Sunita Devi and petitioner- Ranju Kumari have clean antecedents whereas petitioner Mukesh Kumar Yadav



carries three more cases other than the present one in which he is on bail in all the cases and petitioner Rambabu Paswan carries one more case other than the present one. They have falsely been implicated in the present case. Further submits that the allegation as alleged in the FIR is false and fabricated. In fact petitioner-Mukesh Kumar Yadav and petitioner-Rambabu Paswan were not found in objectionable position nor any objectionable article was recovered from their possession and petitioner-Ranju Kumari was not arrested at the place of occurrence. Further submits that in fact the victim has not even stated anything about the petitioners in her statement which was recorded under Section 164 Cr. P.C. In fact the statement of the victim was contradictory to each other. In 161 Cr. P.C. statement, she has stated that something and in 164 Cr. P. C. statement, she has stated another thing and the victim has stated in her statement that she has received half of the share and the name of the petitioner-Ranju Kumari was disclosed by petitioner-Sunita Devi and petitioner-Ranju Kumari has no concern at all with the alleged occurrence and in fact she was not arrested at the place of occurrence and on the basis of the disclosure made by petitioner-Sunita Devi, the name of the petitioner-Ranju Kumari has falsely been implicated in the



present case. Further submits that the victim girl has been examined in this case as P.W.2. The victim further stated that she had gone to purchase biryani from the place of occurrence from where the police caught her and she flatly denied that any occurrence has been occurred with her. The victim further stated that on the pressure of police, she had given statement under Section 164 Cr. P.C. in the learned court below. The victim also stated that she has not been medically examined by the prosecution and the police has taken her signature on the blank piece of paper. Further submits that the police, after investigation, submitted chargesheet against the petitioners and the petitioners namely, Mukesh Kumar Yadav and Rambabu Paswan are in custody since 16.03.2022 whereas petitioner-Ranju Kumar is in custody since 14.03.2022 and petitioner-Sunita Devi is in custody since 06.06.2022 respectively.

Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that it has come during investigation that the petitioners were involved in the present occurrence but fairly submits that the statement of the victim in 164 Cr. P.C. and 161 Cr. P.C. are contradictory to each other and the name of the petitioner-Ranju Kumari has come on the basis of the disclosure made by



petitioner Sunita Devi.

Considering the aforesaid fact, let the petitioners, above named, 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 Judge, POCSO, Bettiah, West Champaran in connection with Bettiah Town P.S.Case No.189 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 cancelled 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.

(3) 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)

Nitesh/-

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