

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35459 of 2023

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

Nagendra Sharma Son Of Krishna Sharma R/o of Shahpurm PS- Pauthu,
District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with POCSO Case No. 06 of 2023 arising out of
Jehanabad (Nagar) P.S. Case No. 865 of 2022 registered on
12.09.2022 for the alleged offences under Sections 370(a)/34 of
the Indian Penal Code, Sections 3, 4, 5 and 6 of the Immoral
Trafficking Prevention Act, 1956 and Section 8 of the
Prevention of Children from Sexual Offences Act, 2012.

04. As per prosecution case, police received secret
information about running of flesh-trade from two guest houses.
A raid was conducted and a number of boys and girls were



apprehended who were found to be in objectionable condition with recovery of mobile phones, cigarettes and other objectionable materials. The petitioner is said to be the manager of one of the guest houses where the raid was conducted.

05. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. The petitioner was running the guest house on the basis of rent agreement. The petitioner let out the rooms of the guest house on the basis of production of identity card by the guests and he has no concern with the act of the customers who were residing in the room. From the perusal of material, no offences either under the Immoral Trafficking Prevention Act or under the POCSO Act are made out against the petitioner. Even one of the persons who was apprehended from the guest house, was granted provisional bail in the matter for quashing of the FIR and allowed him to solemnize marriage. All the girls who were apprehended from the guest house were major and for this reason, no offences under any provisions of the POCSO Act would be made out. A number of co-accused persons have been granted bail by different Co-ordinate Benches of this Court vide order dated 24.02.2023 passed in Criminal Misc. No.67519 of 2022, order dated 10.04.2023 passed in Criminal Misc. No.



70845 of 2022, order dated 09.02.2023 passed in Criminal Misc. No. 69392 of 2022, order dated 23.02.2023 passed in Criminal Misc. No. 69990 of 2022, order dated 17.03.2023 passed in Criminal Misc. No. 69985 of 2022, order dated 28.02.2023 passed in Criminal Misc. No. 73749 of 2022, order dated 10.04.2023 passed in Criminal Misc. No. 70546 of 2022, order dated 23.03.2023 passed in Criminal Misc. No. 72242 of 2022, order dated 10.04.2023 passed in Criminal Misc. No. 75255 of 2022 and order dated 04.03.2023 passed in Criminal Misc. No. 971 of 2023, respectively. The petitioner is in custody since 24.04.2023 and charge-sheet has been submitted. The petitioner has got no criminal history.

06. Learned APP for the State opposes the prayer for bail.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the grant of bail to the other co-accused persons even though their cases were not identical to the petitioner's case and further considering the non-specific nature of allegation against the petitioner and also considering the period of custody of the petitioner and his clean antecedent along with submission of charge-sheet, the petitioner above named is directed to be



released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO Act, Jehanabad in connection with Jehanabad (Nagar) P.S. Case No. 865 of 2022 subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for 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.

(Arun Kumar Jha, J)

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