

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46406 of 2023

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

Abhay Kumar Yadav @ Abhay Kumar Son of Krishndeo Prasad Resident of
village - Pandui Bazitpur, P.s. - Parasbigaha, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

3. Petitioner seeks bail who is in custody since
01.05.2023 in connection with POCSO Case No. 06 of 2023
arising out of Jehanabad P.S. Case No. 865 of 2022, F.I.R. dated
12.09.2022 for the offences punishable under Sections 370(a)/34
of the Indian Penal Code, Sections 3,4,5 and 6 of Immoral
Traffic Prevention Act, 1956 and Section 8 of POCSO Act.

4. According to prosecution case, the informant being
a police official, after receiving a secret information of immoral
trafficking, raided the Omkara rest house and Sheo Satya rest



house where some boys and girls were found in compromising condition from the aforesaid rest house and several objectionable items were recovered from the room allotted to them.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. He further submits that the petitioner was posted as guard in the hotel in question and it appears from the F.I.R that during investigation on the date of occurrence the petitioner was not on duty and he was on leave. He further submits that there is no specific allegation against the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Ram Kishore Sharma has been granted bail by a co-ordinate Bench of this Court vide order dated 26.06.2023 passed in Cr. Misc. No. 35512 of 2023, co-accused, namely, Manoj Kumar has been granted bail by this Court vide order dated 20.07.2023 passed in Cr. Misc. No. 17595 of 2023 and another co-accused, namely, Saurav Kumar has been granted



bail by a co-ordinate Bench of this Court vide order dated 04.03.2023 passed in Cr. Misc. No. 971 of 2023. The petitioner is in custody since 01.05.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge VI cum Special Judge (POCSO) Act in connection with POCSO Case No. 06 of 2023 arising out of Jehanabad P.S. Case No. 865 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 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 petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, 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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