

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49639 of 2023

Arising Out of PS. Case No.-476 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Suraj Kumar, S/o Rajesh Choudhary, R/o Village-Khuskibag Milanpara, P.S-
Sadar, Distt.- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar Singh, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 08-08-2023 Heard learned counsel for the petitioner and
learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection
with K. Hat (Sahayak) P.S. Case No.476 of 2021 registered for
the offences punishable under Sections 341, 342, 323, 365, 367,
376 read with 34 of the Indian Penal Code as well as Sections 3,
4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act.

3. The accused/petitioner is named in the FIR and is
in custody since 28.03.2023.

4. Allegation against the petitioner is to kidnap the
informant, who is a married lady aged about 25 years and
further to forced her to adopt immoral practice and in
furtherance of same, informant-victim was sent to different
hostels to attend different customers against cash and while she



was attending one customer in a hotel namely, Grand Utsav Hotel, Katihar, she was apprehended by police personnel.

5. It is submitted by learned counsel that informant/victim is a married lady aged about 25 years old and she adopted this profession out of her own will. It is submitted that as certain dispute surfaced regarding payment, the present false implication was raised. It is also submitted that allegation of kidnapping is also appearing not convincing as per narration of FIR. While travelling over argument, learned counsel submitted that the material contradiction appears while going through narration of FIR, where informant/victim herself is author *qua* her statement recorded under Section 164 of the Code of Criminal Procedure, where she negated allegation of kidnapping and also raised a very general and omnibus allegation against this petitioner as to force her to adopt immoral practice as alleged. Learned counsel further pointed out that aforesaid statement of victim suggest clearly that there was a payment dispute. While concluding argument, it is submitted that the petitioner found involved in one more criminal case, where he is on bail and moreover investigation of this case is completed for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.



6. Learned APP while opposing the prayer for bail submitted that the specific allegation is available against this petitioner.

7. In view of above-mentioned facts and circumstances and by taking note of statement of victim recorded under Section 164 of the CrPC, where a general and omnibus allegation raised against this petitioner and also a dispute regarding payment, coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 28.03.2023, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-6th-cum-Special Judge (POCSO Act), Purnea in connection with K. Hat (Sahayak) P.S. Case No.476 of 2021 (Suppl. Special Case No.72 of 2021), subject to the conditions as laid down under Section 437(3) of the CrPC and with further conditions:-

(i) That petitioner shall not interact with informant/victim and other prosecution witnesses till the pendency of trial in whatsoever manner, failing which the learned Trial Court shall be at liberty to cancel his bail bond, if pressed by the State.



(ii) That petitioner shall co-operate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J.)

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