

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49739 of 2023

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

Mantu Kumar Son Of Brijesh Prasad Resident Of Village- Lauriya, Ward No. 09, Ps- Lauriya, Distt- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 27-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 25.01.2023, in connection with Bettiah (Mahila) P.S. Case No. 04 of 2023, F.I.R. dated 24.01.2023 registered for the offences punishable under Sections 420, 370, 370(5), 370(6), 372, 373, 376(DA), 420B/34 of the Indian Penal Code, Sections 4, 6, 8 and 17 of POCSO Act, Sections 3/4/5/6/7/8 of Immoral Trafficking Act, Sections 3(i)(r)(s) of the SC/ST Act and Section 37 of the Bihar Prohibition and Excise Act, 2016.

3. The allegation against this petitioner is to force the minor victim girls to do sex on false pretext of providing them large amount and by persuading her and blackmailing them.



4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R. and nothing incriminating article has been recovered from the possession of the petitioner and the petitioner has not forcefully committed anything wrong with the girl which was found with the petitioner at the place of occurrence and although the custodian of the victim suggests that the petitioner has committed wrong with her but it has also come during investigation that the petitioner has paid for the same. He further submits that co-accused person namely Saraswati Devi @ Champa Devi who initially influenced the girl for this trade has been granted bail by a Coordinate Bench of this Court vide order dated 05.07.2023 passed in Cr. Misc. No. 22729 of 2023, another co-accused person namely Ashok Pandey @ Ashok Kumar Pandey who is Manager of the Hotel in question has been granted bail vide order dated 24.07.2023 passed in Cr. Misc. No. 30395 of 2023 and another co-accused person namely Narayan Sah who was also arrested on the spot being the owner of the Hotel has been granted bail vide order dated 21.08.2023



passed in Cr. Misc. No. 30490 of 2023 respectively. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 25.01.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the statements of the victim was also recorded in paragraph nos. 44 and 45 of the case diary in which she has fully supported the case of the prosecution.

6. Considering the facts and circumstances of the case as well as statement of the victim, let the petitioner, above named, be released on bail, **after framing of charge, if not framed as yet**, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge Vith-cum-Special Judge POCSO, Bettiah, West Champaran in connection with Bettiah (Mahila) P.S. Case No. 04 of 2023, 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 witness, 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 antecedents, 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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