

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51117 of 2023

Arising Out of PS. Case No.-799 Year-2023 Thana- PHULWARISHARIF District- Patna

VIKASH KUMAR Son of Late Mahesh Sharma Resident of village -
Manjhauli, P.s. - Phulwarisharif, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhukar Anand, Advocate

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 21.06.2023 in connection with Phulwarisharif P.S. Case No. 799 of 2023, F.I.R. dated 02.06.2023 for the offences punishable under Sections 370 of IPC and Section 3, 4, 5, 6, 7 and 8 of the Immortal Traffic Prevention Act and Section 30(a) of the Bihar Prohibition and Excise Act.

3. According to prosecution case, the informant alleges that the petitioner is running a brothel at Atithi guest house and fled away when the raid was conducted by the police. He further alleges that during the search 100 ml of English liquor was recovered from the office.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. He further submits that from a bare perusal of the FIR, it appears that



the petitioner was not apprehended from the place of occurrence, and in the present FIR, the petitioner and another co-accused persons had fled away from the place of occurrence and the girls who were found at the guest house used to come there and leave from there and during investigation the statements of the girls were not recorded by the prosecution and nothing has been recovered from the conscious possession of the petitioner and merely on the basis of suspicion the petitioner has been implicated in the present case on the basis of confessional statement made by the Manager of the guest house. He further submits that the police after investigation submitted the charge sheet against the petitioner on 23rd of August, 2023 and the petitioner is in judicial custody since 21.06.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more criminal antecedent other than the present one.

6. 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 Special Judge, Excise, Patna in connection with Phulwarisharif P.S. Case No. 799 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 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)

Adnan/-

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