

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55716 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- MAHESI District- East Champaran

Arun Kumar Kushwaha Son of Gopal Bhagat R/o village - Banashghat, P.S.-
Chakiya, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 22-03-2023 Heard learned counsel for the petitioner and learned
APP for the State.

In the present case, the petitioner seeks bail in connection with Mehshi P.S. Case No. 247 of 2022 registered for the alleged offences under Sections 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act, 1956 and Section 8 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, the petitioner was apprehended in objectionable condition from a hotel room with a minor girl and the allegation was of immoral trafficking and sexual assault with a minor girl.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the person or possession of the petitioner. No offence as alleged is made



out in the case as the victim girl is an adult girl and her date of birth has been stated to be 06.03.2004 in paragraph 62 of the case diary. At best the victim girl and the petitioner could be said to be a consenting party. Learned counsel further submits that the petitioner had gone to the hotel for taking his meal and in the meantime, police arrived and he was apprehended and petitioner has no knowledge about the girl with whom he has been found in a room. Learned counsel further submits that a number of co-accused persons have been granted bail vide orders passed in Cr. Misc. Nos. 56489 of 2022, 57050 of 2022, 57356 of 2022 and 56811 of 2022 by different Co-ordinate Benches. The case of the petitioner is exactly similar to them. The petitioner has got no criminal antecedent. The petitioner is in custody since 17.08.2022 and the charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that there is no complaint from the victim girl and she is stated to be major, further considering the clean antecedent of the petitioner and also considering the ground of parity due to grant of bail to similarly situated co-accused



persons by the Co-ordinate Benches, submission of charge sheet and the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge -cum- Special Court, POCSO Act, East Champaran at Motihari/ Court concerned in connection with Mehsi P.S. Case No. 247 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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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