

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56489 of 2022

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

ADITYA KUMAR, Gender-male, aged about 26 years, S/o- Rameshwar Gupta R/o Village- Pachpakri, Ward No. 9, P.O.- Pachpakri, P.S.- Pachpakri, O.P. District- East Champaran, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Sr. Adv. with
Mr.Zaki Haider, Adv.

For the Opposite Party/s : Mr. Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 16-01-2023 Heard learned senior counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in connection with Mehsi PS Case No. 247 of 2022, registered for the offence punishable under Sections 3,4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 and Section 8 of the Protection of Children from Sexual Offences Act, 2012 (*for brevity 'POCSO Act'*).

The allegation is of rape being committed in Pink hotel and it is alleged that from room No. 110, the petitioner was found in an objectional condition with a female.

Learned senior counsel for the petitioner submits that it is out and out a false case. The female has not stated about any detention or force applied by the petitioner. The petitioner, in fact, was visiting the hotel for having refreshments. He is a student, which is evident from Annexure-2, being his Admit card as well as mark sheet showing that he is pursuing a Post Graduate course. The submission is that there is no allegation that there was any minor girl in the room where the petitioner is alleged to have been found. He is in custody since 17-08-2022, though he has no criminal antecedents. It is also submitted that ingredients of the



offences under which the First Information Report (*for brevity FIR*) has been lodged are not made out against the petitioner as he is neither the owner of the hotel nor there is recovery of any minor girl from the room, from which he is alleged to have been arrested.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, nature of accusation, including the manner of petitioner's arrest, clean antecedent of the petitioner and his period of custody, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

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 7th Additional District and Sessions Judge-cum-Special Judge-POCSO Act, Motihari, East Champaran, in connection with Mehshi PS Case No. 247 of 2022, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner. (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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