

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57302 of 2022

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

SHAMBHU GUPTA Son of Sitaram Sah R/V- Ahirauliya, P.S- Chakia, Dist-
East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan Sinha

For the Opposite Party/s : Mr.Jitendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 10-05-2023 Heard the parties.

Petitioner seeks regular bail in connection with Mahesi PS Case No. 247 of 2022 dated 16-08-2022 registered under Section 3, 4, 5, 6 of the Immoral Traffic (Prevention) Act 1956 and Section 8 of the POCSO Act.

The prosecution story in short is that the hotel owned by the petitioner was raided by the Police on 16.08.2022 on the basis of secret information that flesh trade was going on from the hotel of the petitioner. During the course of raid Police raided altogether eight rooms from where couples were found in objectionable position. Police recovered some articles, cigarettes etc. during the course of the raid.

Learned senior counsel for the petitioner submits that petitioner is the owner of the hotel and was not aware about the



fact that the couples who booked the rooms in the hotel would commit any immoral act during the period of stay in the rooms allotted in their favour. He next submits that petitioner has got no criminal antecedent of similar nature of the offence and only one case was earlier registered against the petitioner under Section 30 (a) of the Bihar Prohibition and Excise Act 2016. The petitioner is neither the customer nor the person who called the girls in his hotel.

On the other hand, learned counsel for the State referring to the case diary submits that the statement of the victim girls was recorded in which they have said that boys brought the respective girl in the hotel and paid Rs. 1000/- as hotel charges for one hour and the owner of the hotel provided the rooms and condoms etc. The petitioner is in custody since 17-08-2022 and charge sheet has already been filed.

Regard being had to the submission made by the parties, taking into consideration the material on record, the fact that petitioner is in custody since 17/08/2022, he is the owner of the hotel and is neither the customer nor the person who called the girls in his hotel, charge sheet has already been submitted and there is no likelihood that the petitioner will abscond or tamper with the evidence if released on bail, I am



inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25000/- (rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge -VII cum Special Judge (POCSO), East Champaran, Motihari in connection with Mahesi PS Case No. 247 of 2022 on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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