

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64493 of 2023

Arising Out of PS. Case No.-185 Year-2023 Thana- BIBHUTIPUR District- Samastipur

Dilip Kumar S/O Ram Vilash Mahto R/O Village- Belsandi Dih, P.S-
Bibhutipur, Distt.- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Mritunjay Kumar, Advocate
For the Opposite Party : Mr. Pranav Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bibhutipur P.S. Case No. 185 of 2023 dated 04.06.2023, instituted for the offence punishable under Sections 3/4/5/7 of Immoral Trafficking (Prevention) Act, 1956.

3. The case of prosecution, in short, is that the informant got secret information that the petitioner was operating prostitution in the area. Thereafter, the informant along with police personal raided the house of one Sanjay Kumar Singh. On seeing the police party, two boys were succeed in fleeing away and when the informant opened the room, he saw one lady with two boys in descent position, then



the police apprehended the co-accused. On interrogation, they disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. It is submitted that on bare perusal of the F.I.R. and seizure list, it is evident that entire prosecution has been manipulated and concocted one as in the F.I.R., the time of receiving the information of alleged occurrence is stated as 16:45 but in the *fardbeyan* of the informant the time is mentioned as 16:20 and the time of preparation of seizure list is 03:00 P.M. It is further submitted that the petitioner has not been arrested on the spot and only on the basis of confessional statement of co-accused the petitioner has been made accused in this case. Lastly, it has been submitted that the petitioner has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bibhutipur P.S. Case No. 185 of 2023, he shall be released on anticipatory



bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Rosera, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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