

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71090 of 2023

Arising Out of PS. Case No.-723 Year-2023 Thana- BHAGALPUR KOTWALI District-
Bhagalpur

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Pritam Choudhary, Son of Sri Mohan Choudhary, Resident of Village and P.S.
- Bangaon, District - Saharsa

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashwani Kumar Tiwary, Advocate
Mr. Mahendra Pathak, Advocate

For the Opposite Party/s : Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Kotwali (Barari) P.S. Case No.723 of 2023, registered for the alleged offences under Sections 370, 370(a), 120(B), 34 of the Indian Penal Code and Sections 3, 4, 5, 6, 7 of Immoral Traffic Prevention Act, 1956.

3. As per prosecution case, police received information about co-accused Hridayesh Kumar Mishra and Rani Devi @ Kavita Devi running a business of flesh trade from the lodge of co-accused Hridayesh Mishra. A raid was conducted and a number of co-accused persons including this petitioner were apprehended in suspicious condition and certain



incriminating material like condoms, tablets and cash were recovered from them. The petitioner was found in company of a lady namely, Priti @ Pinki Devi in half-naked condition.

4. The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He has not committed any offence as alleged. The petitioner is a student and has been preparing for competitive examination. He has not been arrested from the spot, rather he was searching for a room on rent and in that course the police dragged him in this case. The lady with whom the petitioner is said to be found has not stated anything against him in her statement under Section 164 Cr.P.C. The petitioner was even granted provisional bail for appearing in the competitive examination and he has become a victim of circumstances. The petitioner is in custody since 07.08.2023 and the charge sheet has been submitted. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submissions made on behalf of the petitioner.

6. Having regard to the submissions made hereinabove and considering the nature of allegation, period of custody of the petitioner and submission of charge sheet along



with his clean antecedent, he 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 Court of learned Chief Judicial Magistrate, Bhagalpur, in connection with Kotwali (Barari) P.S. Case No.723 of 2023, 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 for 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)

V.K.Pandey/-

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