

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67519 of 2022

Arising Out of PS. Case No.-865 Year-2022 Thana- JAHANABAD District- Jehanabad

Prashant Kumar S/O Bigan Das @ Vigan Das Resident of village- Hati, P.S.-
Kako (Bhelawar O.P.), District- Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Paras Nath, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 24-02-2023 Heard learned counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with Jehanabad P.S. Case No.865 of 2022 registered for the offence under Sections 370a and 34 of the Indian Penal Code and Sections 3, 4, 5 and 6 of the Immoral Traffic Act, 1956.

The accused/petitioner is named in the F.I.R. and is in custody since 13.09.2022.

The allegation against the petitioner is to involve in human trafficking and also of immoral trafficking alongwith other co-accused persons, where several minor girls were recovered alongwith male person, while raiding Omkara Rest House and Shiv Satya Rest House.

It is submitted by learned counsel that petitioner has



been falsely implicated in the present case for the reason that petitioner accompanied with girl visited said rest house for a short, in connection of their marriage, coincidentally at the same time the alleged raid was conducted. It is also submitted that petitioner is of 22 years old and the age of alleged victim girl is above 18 years (major) and as such no case under POCSO Act is made out. While travelling over the argument it is submitted that similarly situated co-accused, namely, Rohit Raj has already been granted bail by one the learned Co-ordinate Bench of this Court through Cr. Misc. No. 69392 of 2022 vide order dated 09.02.2023. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above and by taking note of the nature of allegation, where petitioner is in custody, since 13.09.2022, who is a man of clean antecedent coupled with the fact that charge-sheet has already been submitted, let above named petitioner is directed to be re-



leased on bail in connection with Jehanabad P.S. Case No.865 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-VI-cum Special Judge (POCSO) Act, Jehanabad/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

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