

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71751 of 2022

Arising Out of PS. Case No.-473 Year-2022 Thana- RAMKRISHNANAGAR District- Patna

Rahul Kumar Son of Late Dukhan Mahto Resident of Village - Ekangar Sarai
(Maharajganj), P.S. - Ekangar Sarai, District – Nalanda.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar

For the Opposite Party/s : Mr.Vinod Shanker Modi

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner seeks bail, who is in custody since
06.09.2022 in connection with Special Case No. 120 of 2022
arising out of Ramkrishna Nagar P.S. Case No. 473 of 2022,
F.I.R. dated 05.09.2022 for the offences punishable under
Sections 342, 376, 506/34 of the Indian Penal Code and Section
3, 4, 5 and 6 of Immoral Trafficking Prevention Act and Section
4/6 POCSO Act.

According to prosecution case, in brief, is that on a
secret information, the informant along with other police
personnel raided the house of Nawal Kishore Singh on
05.09.2022 at about 06.00 PM and found that in the front room
two men and five women were sitting together and in the other,



one male and one girl were found sitting together in a compromising position. On interrogation, they disclosed their names as Ritesh Kumar, Rahul Kumar, Nitish Kumar, Mamta Devi, Shivani Kumari, a minor girl aged about 16 years, Radha Devi, Shanti Devi and Divyalok Sinha and many incriminating articles were recovered from the house. On further interrogation, the minor victim disclosed that Mamta Devi and Ritesh Kumar used to involve women and girls in sex racket, in which Mamta Devi used to call the women and girls to the said rented house and Ritesh Kumar used to arrange customers. It was further alleged that sometimes Mamta Devi used to send the girls to customers with driver Rahul Kumar and on protest, Mamta Devi and Ritesh Kumar used to threaten them.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that in fact the petitioner is the driver of co-accused Mamta Devi and it appears from the F.I.R. that the petitioner has no role at the in the present occurrence. He further submits that the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has not stated anything against the petitioner. He further submits that similarly situated, co-accused, namely, Nitish



Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 28.02.2023 passed in Cr. Misc. No. 63914 of 2022. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 06.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, petitioner has clean antecedent, 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 Additional Sessions Judge-VI-cum-Special Judge, POCSO, Patna in connection with Special Case No. 120 of 2022 arising out of Ramkrishna Nagar P.S. Case No. 473 of 2022, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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