

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70845 of 2022**

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

AMIT KUMAR Son of Binod Kumar R/v- Erki P.S. and District- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 75255 of 2022

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

MANISH KUMAR S/o Ram Pravesh Prasad @ Pravesh Prasad R/v- Nonhi
(Nonhi Math), P.S.- Kako, District- Jehanabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70845 of 2022)

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

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

(In CRIMINAL MISCELLANEOUS No. 75255 of 2022)

For the Petitioner/s : Mr. Nitya Nand Neeraj, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 10-04-2023 Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since
13.09.2022, in connection with POCSO Case No.93/2022,
arising out of Jehanabad P.S. Case No. 865/2022, F.I.R. dated
12.09.2022, registered for the offences punishable under
Sections 370(A)/34 of the I.P.C. & Sections 3, 4, 5 & 6 of



Immoral Traffic Act, 1956.

According to prosecution case, on the basis of secret information, the police conducted raid in an apartment/rest house and found some males and females in objectionable condition and upon search mobile phones, packets of condom, cigarettes and other articles were recovered.

Learned counsel for the petitioners submits that the petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that as per allegation in the F.I.R. that secret information, the police conducted raid in an apartment/rest house and found some males and females in objectionable condition. He further submits that in view of the F.I.R. no case under the POCSO Act is made out against the petitioners and the similarly situated co-accused persons namely, Viru Kumar has been granted bail vide order dated 17.03.2023 passed in Cr. Misc. No. 68988 of 2022 and other co-accused namely, Rohit Raj has been granted bail vide order dated 09.02.2023 passed in Cr. Misc. No.69392/2022 and the police after investigation submitted the charge sheet against the petitioners. The petitioners are in custody since 13.09.2022.

The learned Additional Public Prosecutor for the State



on the other hand vehemently opposed the prayer of bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO) Act, Jehanabad, in connection with POCSO Case No.93/2022, arising out of Jehanabad P.S. Case No. 865/2022, subject to the following conditions:-

1. Petitioners 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 their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

2. If the petitioners tamper 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 petitioners and in case at any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioners. 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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