

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44628 of 2024

Arising Out of PS. Case No.-90 Year-2024 Thana- BHAGWANPUR District- Vaishali

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1. Akshay Singh S/o Ravindra Singh, Resident of Village- Hanuman Nagar, P.S.- Biraul @ Bindola, District- Darbhanga
 2. Rakesh Singh, S/o Binod Singh, R/o Village- Chandwara @ Chandrawara, P.S.- Karthan, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Urmila Kumari, D/o Awadh Bihari Chaudhary, Village- Jamodhi, P.S.- Piro, District- Bhojpur, Presently posted as Police Sub Inspector in Bhagwanpur Police Station, District- Vaishali

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 03-07-2024 Heard Mr. Manish Chandra Gandhi, learned Advocate
for the petitioners and learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Bhagwanpur P.S. Case No. 90 of 2024 registered for the offences punishable under Sections 372, 373, 376/34 of the Indian Penal Code, Sections, 4, 5, 6 and 7 of the Immoral Traffic (Prevention) Act, 1956 and Sections 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

3. The police on a secret information that in the guise of hotel business, activity of immoral trafficking is being carried out, conducted raid. In course of raid, several men, women and girls were apprehended. The petitioners are two of them.



4. Learned Advocate for the petitioners contended that so far the narrations made in the F.I.R., it suggests that petitioner no.1 was apprehended with one girl. However, so far as the petitioner no.2 is concerned, he has not been apprehended along with any girl/woman and, as such, no case is made out, as alleged in the F.I.R. It is further contended that in fact the petitioner no.1 is a Doctor in the field of Alternate Medicine and on the alleged date of occurrence he was in the hotel along with the girl, who is non-else, but the sister-in-law and both had gone to see the hotel for ring ceremony. It is also contended that the girl, who was apprehended along with petitioner no.2 is a major one and, as such, in any of the circumstances, no case under any of the penal offences of POCSO Act is made out. The petitioners have absolutely fair antecedent and they have become the victim of the circumstances. Be that as it may, now the investigation of the crime is complete and charge-sheet has been submitted.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners were apprehended in the hotel, which was engaged for immoral trafficking and prostitution.

6. Regard being had to the submissions made on behalf of the parties and considering the nature of allegation and



the fact that the petitioners have absolutely clean antecedent and they are in custody for about three months, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIth-cum-Special Judge, POCSO, Hajipur Vaishali in connection with Bhagwanpur P.S. Case No. 90 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial.

(ii) They will remain present on each and every date of trial till disposal of the case.

(iii) They will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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