

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46969 of 2024

Arising Out of PS. Case No.-270 Year-2024 Thana- GAYA KOTWALI District- Gaya

1. Rituraj Gupta, Son Of Late Ramnandan Prasad Gupta, Village- Station Road, Laxman Sahani Lane, Gurudwara More, Ps- Kotwali Dist- Gaya
2. Aashish Kumar Mishra, Station House Officer, Kotwali, Gaya At Present Posted As House Station Officer, Kotwali, P.S Kotwali, Districet- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate

For the Opposite Party/s : Mr. Bharat Lal, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 10-07-2024 Heard learned Advocate appearing on behalf of the petitioners and the learned APP for the State.

2. The petitioners seek regular bail, who are in custody in connection with Kotwali P.S. Case No. 270 of 2024 registered for the offence punishable under Sections 376 of the Indian Penal Code and Section 3, 5, 7 of the Immoral Traffic Prevention Act, 1956 alongwith Section 4 of the POCSO Act.

3. The prosecution case is based on the fardbeyan of the informant, alleging therein, that on an information regarding running of illegal sex racket, the police conducted raid in the Gautam hotel and Gaurav hotel. It is further alleged that some of the customers were provided rooms in the hotel by the manager



of the hotels with the permission of its owner. The victims alleged that accused persons had tempted them to provide money for prostitution and were called at the hotel. The *modus-operandi* for running these hotels for illegal activities was revealed by the arrested accused persons.

4. Learned Advocate appearing on behalf of the petitioners submits that the petitioners being managers of the hotels has no concern with the alleged crime, in as much as, the persons who booked the room have shown the valid paper of they being major and on the basis of which they have been allowed rooms. However, despite the direction given by the petitioners to their staffs, to keep the photo copies of Aadhar Card, the papers have not been kept on record, leading to implication of the name of the petitioners in the present crime. The only allegation even if taken to be true, for the sake of argument, against the petitioners is that they provided rooms without receipt of the valid papers or Aadhar card from the customers. The learned Advocate for the petitioners further submits that the petitioners are having fair antecedent and they are in custody since 14.05.2024. They undertake that they will fully cooperate in the investigation or in the proceeding of the Court.



5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioners being managers of the hotels, have allowed the illegal activities to run in his respective hotel and, as such, their complicity in the crime cannot be denied.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that no victim has made any specific allegation against the petitioners coupled with fair antecedent of the petitioner and the period of custody, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI cum Special Judge, POCSO Act, Gaya in connection with Kotwali P.S. Case No. 270 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) The petitioners will remain present on each and every date of trial till disposal of the case.

(iii) The petitioners 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.

(v) 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 immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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