

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48032 of 2024

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

Santosh Kumar son of Sanjay Kumar Village- Panchaiti Akhara Taj Colony
Dist- Kotwali Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ashish Kumar Mishra, SHO Kotwali, Gaya Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Alok, Advocate
		Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 11-09-2024 Heard the learned Advocate for the petitioner and the
learned APP for the State.

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

3. Based upon the written report, the prosecution alleges that on a tip of flesh trade, the police conducted raid in two hotels. The petitioner along with Ms. 'X' and other persons were found in different rooms of the hotel in objectionable circumstances. Certain objectionable items were also recovered.

4. Learned Advocate for the petitioner contended that the petitioner has had a very good relationship with the victim



‘X’ and on the alleged date of occurrence, they were just standing beside the hotel, whereupon a raid was conducted by the police and on suspicion, the petitioner was apprehended. The statement of the victim was recorded under Section 164 of the Cr.P.C, wherein, she has admitted the friendship with the petitioner. No allegation whatsoever has been alleged against the petitioner. Other co-accused persons, having identical allegation, have been allowed bail by learned Court below itself. The petitioner bears fair antecedent and now he has been incarcerated since 14.05.2024.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the petitioner is found indulge in immoral trafficking.

6. Regard being had to the submissions made on behalf of the parties and considering the statement of the victim ‘X’, the copy of which has been marked as Annexure-2 to the bail application, coupled with the fair antecedent of the petitioner and the period of custody, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge of 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 petitioner with further conditions which are as follows:-

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

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

(iii) He 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, his bail bonds will liable to be cancelled.

(v) 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 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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