

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55840 of 2024

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

Deepak Kumar @ Deepak Prasad Son of Late Krishna Prasad R/V- Village-
Chotki Nawada, Purani Devi Asthan, P.O.- Delha in the District Of Gaya
... .. Petitioner/s

Versus

1. The State of Bihar
2. Aishash Kumar Mishra At Present Posted As House Station Officer,
Kotwali, P.S.- Kotwali, Distt.- Gaya
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Nandan Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 11-09-2024 Heard learned Advocate appearing on behalf of the
petitioner and the learned APP for the State.

2. The petitioner seek regular bail, who is 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 Sections 3, 5 and 7 of the Immoral Traffic
Prevention Act, 1956 along with 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 petitioner submits that the petitioner being manager of the Gaurav Hotel 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 petitioner to his 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 petitioner in the present crime. The only allegation even if taken to be true, for the sake of argument, against the petitioner is that he provided rooms without receipt of the valid papers or Aadhar card from the customers. The learned Advocate for the petitioner further submits that the petitioner is having fair antecedent and they are in custody since 14.05.2024. He undertake that he 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 petitioner being manager of the Gaurav Hotel, has allowed the



illegal activities to run in his hotel and, as such, his 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 petitioner, coupled with 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. 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 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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