

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71706 of 2023

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

LAVKUSH KUMAR @ MONU Son of Jitendra Sharma @ Jitendra Kumar
R/o vill - Newari, P.S. - Makhdumpur, Distt. - Jehanabad

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Shailendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Jehanabad Nagar P.S. Case No. 865 of 2022 registered for the offences punishable under Sections 370(A)/34 of the Indian Penal Code, Sections 3, 4, 5 and 6 of Immoral Trafficking Act and Section 8 of the POCSO Act.

3. As per prosecution case, the informant got secret information that immoral trafficking is being taken place in Omkara Rest House and Shiv Satya Rest House of Alok Apartment and owner as well as the persons associated with the said rest house management are involved in such illegal immoral trafficking. On the basis of said information, informant and police team raided the said rest houses. On search, some



boys and girls were found in objectionable condition. It is further alleged that mobile phones, purse and other objectionable items were recovered from different rooms.

4. Learned counsel for the petitioner submits that petitioner is not named in the FIR and his name has been surfaced in this case during course of investigation that he was also looking after the affairs of one of the rest house which is managed by co-accused Alok Ranjan @ Alok Kumar. He further submits that being brother of co-accused Alok Ranjan @ Alok Kumar, petitioner has been falsely implicated in this case on the basis of suspicion only. Basically, he has nothing to do with the alleged occurrence. Co-accused Alok Ranjan @ Alok Kumar, who is alleged to be manager of one of the said rest house, has already been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 37741 of 2023 and case of present petitioner is identically same and on the principle of parity, petitioner also deserves bail. He further submits that FIR named accused Rohit Raj has also been granted bail by a co-ordinate Bench of this court vide Cr. Misc. No. 69392 of 2022 and the case of present petitioner stands on better footing as petitioner is not named in the FIR and no incriminating article has been recovered from his possession. Petitioner is in custody since 04.09.2023 as



mentioned in the impugned order and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad in connection with Jehanabad Nagar P.S. Case No. 865 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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