

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74340 of 2024

Arising Out of PS. Case No.-584 Year-2024 Thana- NAGAR District- Vaishali

Archana Kumari W/O Ravindra Prasad Gupta Resident of Village- Bakarpur
Madarpur, Police Station- Hajipur Sadar, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74376 of 2024

Arising Out of PS. Case No.-584 Year-2024 Thana- NAGAR District- Vaishali

Devendra Kumar S/o Chandeshwar Ray Resident of Village- Khajuhta, PS-
Dariyapur, District- Saran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sanjeet Kumar Gupta, Prosecuting Deputy Superintendent of Police,
Hajipur, Vaishali Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74340 of 2024)

For the Petitioner/s : Mr. Ranjeet Kumar, Advocate

For the State : Mrs. Suman Kumari Singh, APP

(In CRIMINAL MISCELLANEOUS No. 74376 of 2024)

For the Petitioner/s : Mr. Shyameshwar Kumar Singh, Advocate

For the State : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 23-10-2024

Heard the parties.

2. The petitioners are in judicial custody in connection
with Hajipur Town P.S. Case No. 584 of 2024 for the offences
punishable under Sections 54, 143, 127(2), 64 and 62(2) of the
Bharatiya Nyaya Sanhita and sections 3, 4, 5, 6 and 7 of the
Immoral Traffick Act and later added sections 4, 6, 8, 10 and 17
of the POCSO Act, lodged on 11.08.2024 by the informant,



Sanjit Kumar Gupta.

3. As per the prosecution story, the informant alleged that upon knowledge of immoral trafficking/illegal prostitution business going on in various hotels of Hajipur, the same were raided. In course thereof, Arun Residential Hotel, the Residential Hotel Shukla and Paras Residential Hotel were searched in which a number of customers/accused persons and others along with victims, XA, XB, XC were present. From the other places, YA, YB and ZA, ZB were also taken into custody along with so-called customers. Accordingly, the FIR came to be lodged against owners/managers/customers and those present were taken into custody.

4. Learned counsels for the petitioners in both the cases jointly submit that they had gone to the restaurant for dining, in the commotion that prevailed due to arrival of the police, were rounded off. It is the categorical submission that they had no role to play in the matter and do not own either of the three hotels. While accused Archana Kumari was picked up from Arun Residential Hotel, Devendra Kumar has been arrested from Residential Hotel Shukla. Some of the similar accused persons have been extended relief in Cr. Misc. No.73583 of 2024 (Santosh Kumar Singh) and Cr. Misc. No. 73718 of 2024



(Arun Sah @ Arun Kumar Sah).

5. Learned APP for the State on the other hand opposes the prayer submitting that the police found them in the rooms and were indulged in immoral trafficking.

6. Considering the aforesaid submissions of the learned counsels for the petitioners, they claim to be dining there, both do not have criminal antecedent, have remained in custody since 11.08.2024 (paragraph no.12 of the petition) as also the fact that similar placed co-accused have been granted bail as incorporated above, this Court is inclined to extend them the privilege of bail.

7. Let the petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-VI-cum-Special Judge POCSO Hajipur at Vaishali in connection with Hajipur Town P.S. Case No. 584 of 2024, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioners who shall provide official document to show his *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court failure to do so for two consecutive dates



without plausible reason will entail cancellation of his bail bond
by the Trial Court itself;

(iii) the petitioner shall in now way try to induce or
promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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