

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81412 of 2024

Arising Out of PS. Case No.-193 Year-2024 Thana- SAMASTIPUR District- Samastipur

Amit Kumar Chaudhary @ Amit Choudhary @ Amit Kumar Choudhary
Bharat Chaudhary @ Bharat Choudhary Resident of Mohalla - Bangali
Tola ,Town, PS and District Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-04-2025 Heard Mr. Abhay Shanker Singh, learned counsel for

the petitioner and Mr. Kumar Ranjit Ranjan, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Samastipur Town P.S. Case No. 193 of 2024, F.I.R. dated 11.09.2024 for the offences punishable under Sections 3, 4, 5 and 7 of Immoral Traffic (Prevention) Act, 1956 and 6 of POCSO Act.

3. According to prosecution case, informant along with other officers raided on hotel of the petitioner which is situated near Samastipur Railway Station Gate NO. 3 and prior to raid the informant got information that prostitution is going on in his Hotel. When the informant and Magistrate and other



officers came at Rest House and after seeing the police owner of Rest House fled away and the manager Suresh Rai was apprehended during the course of search Anurag Kumar and Victim-Y were apprehended from Room No. 109 and further one Arjun Kumar and Victim-V were apprehended from Room No. 118 and further one Kanhaiya Kumar and Victim-X were apprehended from Room No. 113 and further Abhishek Kumar and Victim-Z were apprehended from Room NO. 114 and the informant alleged that manager of the Hotel said that he is taking Rs. 1500/- per room if the customer coming with female and he is taking Rs. 4500/- per room when the customer coming without women and the manager has to supply women. Thus it is clear from the above facts that (1) Hotel Owner Amit Kumar Chaudhary, (2) Hotel Manager Suresh Rai, (3) Arjun Kumar, (4), Anurag Kumar (5), Ajay Kumar, (6) Abhishek Kumar, (7) Kanhaiya kumar all have committed cognizable offence.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. In fact, the petitioner is the owner of the hotel in question



and he has no concerned about the present occurrence and the manager of the hotel in question was arrested on the same day and statement of the victims have been recorded under Section 164 of Cr.P.C. in which they are not stated anything about the petitioner. He further submits that from perusal of the F.I.R, it appears that no case is made out of POCSO Act against the petitioner

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts that the petitioner is having clean antecedent and he has been made accused merely on the ground that he is the owner of the hotel in question and the victims have not stated anything about the petitioner in their 164 Cr.P.C. statement, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Court (POCSO), Samastipur, in connection with Samastipur Town P.S. Case No. 193 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of



Criminal Procedure/482(2) of the B.N.S.S., 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that 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 step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J.)

Jyoti Kumari/-

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