

Vinay Kumar vs The State Of Bihar on 4 February, 2025

Author: Rajiv Roy

Bench: Rajiv Roy

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.70916 of 2024

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

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Aditya Raj S/o Binod Prasad @ Vinod R/o vill - Singhora, P.S. - Mahua,
Distt. - Vaishali

... .. Petitione

Versus

1. The State of Bihar
2. Sanjeet Kumar Gupta Probitionary Dy. S.P. , Nagar Thana, Hajipur, Vaishali

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 71941 of 2024

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

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Vinay Kumar Son of Sukulu Rai Resident of Village - Siwaysingpur, P.S. -
Mohiuddin Nagar, District - Samastipur

... .. Petitione

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 72021 of 2024

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

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1. Vishwajeet Sharma Son of Yashwant Sharma Resident of Village - Harpur
Bochaha, P.S. - Vidhyapati Nagar, District - Samastipur
2. Suman Kumari Wife of Dinesh Ram Resident of Village - Haritajpur, P.S. -
Patori, District -Samastipur

... .. Petitione

Versus

The State of Bihar

... .. Opposite Party/s

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with

CRIMINAL MISCELLANEOUS No. 72709 of 2024

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

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Priyesh Kumar Son of Bagesh Kumar Resident Of Village- Mathura Chak,
P.S.- Bidupur, Dist.- Vaishali.

... .. Petitione

Patna High Court CR. MISC. No.70916 of 2024(3) dt.04-02-2025

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Versus

1. The State of Bihar
2. Sanjeet Kumar Gupta, Probationary Dy. S.P. Hajipur Dist.- Vaishali.

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 70916 of 2024)

For the Petitioner/s : Mr. Sabal Kumar Jha, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

(In CRIMINAL MISCELLANEOUS No. 71941 of 2024)

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

(In CRIMINAL MISCELLANEOUS No. 72021 of 2024)

For the Petitioner/s : Mr. Bela Singh, Adv.

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

(In CRIMINAL MISCELLANEOUS No. 72709 of 2024)

For the Petitioner/s : Mr. Shivjee Singh, Adv.

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 04-02-2025

Heard the parties.

2. The petitioners are in custody in connection with Hajipur Town P.S. Case No. 584 of 2024 for the offence punishable under sections 54, 143, 127(2), 64 and 61(2) of the Bhartiya Nyaya Sanhita, 2023, Section 3, 4, 5, 6 and 7 of the Immoral Traffic Act, 1956 and under Section 4, 6, 8, 10 and 17 of the POCSO Act lodged on 11.08.2024 by the informant, Sanjeet Kumar.

3. As per the prosecution case, 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 Patna High Court CR. MISC. No.70916 of 2024(3) dt.04-02-2025 searched in which a number of customers/accused persons along with victims, XA, XB, XC as also 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. The details of the four cases is/are as follows:

- i. Aditya Raj in Cr. Misc. No. 70916 of 2024 was apprehended from Awasiya Hotel Shukla;
- ii. Vinay Kumar in Cr. Misc. No. 71941 of 2024 was apprehended from Residential Hotel Shukla;
- iii. Vishwajeet Sharma and Suman Kumari in Cr. Misc. No. 72021 of 2024 was apprehended from Arun Residential Hotel;
- iv. Priyesh Kumar in Cr. Misc. No. 72709 of 2024 was apprehended from Paras Residential Hotel.

5. It is the joint submission of all the learned counsels for the petitioners that they were having food/lunch but wrongly arrested by the police and none of them have been found in any such activities which has been alleged in the FIR. They have no criminal antecedent and have already suffered by being in custody since 11.08.2024. Further, if granted bail, they shall be Patna High Court CR. MISC. No.70916 of 2024(3) dt.04-02-2025 diligently appearing in trial and the last submission is that the other co-accused, for example, Indrajeet Kumar and Madhuri Devi have been granted bail in Cr. Misc. No. 74005 of 2024 and Cr. Misc. No. 74112 of 2024 respectively.

6. Learned APPs jointly oppose the prayer for bail submitting that upon confidential information, the place was raided and the immoral trafficking/illegal prostitution came to light.

7. Taking into account the submissions of the parties as also the fact that they are in custody since 11.08.2024 having no criminal antecedent, have undertaken to diligently appear in trial and the similarly situated co-accused have been granted relief, as stated above, in that background, this Court is inclined to extend them the privilege of bail with conditions.

8. 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 Court of 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 Patna High Court CR. MISC. No.70916 of 2024(3) dt.04-02-2025 document to show his/her bona fide;
- (ii) the petitioners shall appear on each and every date before the Trial Court and 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 petitioners shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioners shall in no 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;

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

(Rajiv Roy, J) Vijay Singh/-

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