

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23855 of 2015

Arising Out of PS.Case No. -610 Year- 2014 Thana -FORBESGANJ District- ARRARIA

1. Gainul @ Md. Gainul Son of Late Rafique resident of village - Dumaria,
Police Station - Narpatganj, District - Araria.... Petitioner

Versus

1. The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Krishna Pd. Singh, Sr. Advocate

Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 05-10-2015 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner seeks bail in connection with Forbesganj
P.S. Case No. 610 of 2014 registered for the offences punishable
under Sections 366A, 370A, 372, 373, 376 of the Indian Penal
Code and Sections 3, 4, 5, 6, of the Immoral Traffic Act and
Section 4 of POCSO Act.

Allegedly, the petitioner sold the informant and her
sisters for prostitution and the petitioner is indulged in such
activities. During investigation victim Manisha and Khushboo
Khatoon have been recovered and their statements were recorded
in paragraph 19 and 20 of the case diary wherein Manisha did not
state about any ill-treatment at the hands of co-accused and
disclosed that she is maid servant in his house whereas Khushboo

Khatoon has stated that she was forced to have sexual relation.

Submission is of false implication and that the statement of the recovered victim girl was not recorded under Section 164 of the Cr.P.C., there is no direct and legal evidence against the petitioner and no specific overt act has been attributed against him. He is an old person aged about 70 years and the victims were not recovered from the possession of the petitioner.

Learned APP opposes the prayer of bail by submitting that the allegation against the petitioner is serious that he has sold the informant and her sisters for prostitution and he has got criminal antecedent also which is evident from paragraph 3 of the bail petition as well as from the impugned order.

Considering that the petitioner has got criminal antecedent and he is involved in such activities and besides this case six more cases are going on against him as per paragraph 3 of this bail application, this Court is not persuaded to release the petitioner on bail, accordingly, his such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as early as possible.

(Jitendra Mohan Sharma, J)

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