

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9013 of 2015

Arising Out of PS.Case No. -74 Year- 2014 Thana -BALIA District- BEGUSARAI

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1. Tuna Khalifa @ Tunna Khalifa Son of Ishwar Khalifa Resident of village - Satti Chaura, P.S. Balia, District - Begusarai
 2. Chintu Khalifa Son of Late Shahid Khalifa Resident of village - Mathurapur, P.S. Balia, District - Begusarai

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioners : Mr. Pushpendra Kumar Singh, Advocate.

For the Opposite Party : Mr. Ram Chandra Singh (APP)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

4 09-07-2015

Heard learned counsel for the petitioners as well as learned counsel for the State.

In this application for anticipatory bail the petitioners apprehend their arrest for the offences punishable under sections 366 (A), 372, 373, 376 and 120 (B) of the I.P.C, sections 3, 4, 5, 6 and 9 of the Immoral Traffic Prevention Act, 1956 as also sections 4, 6 and 8 of the Protection of Children from Sexual Offence Act.

Allegedly, the minor daughter of the informant became traceless but thereafter the said daughter of the informant telephonically informed that she has been kept by Mital Khalifa, Shankar Khalifa and Manjoori Khatoon and they have been indulged in immoral trafficking. Further Rahul son of Shankar

Khalifa and son of Mital Khalifa used to commit rape with her and her name has also been changed and further she is being sent for immoral trafficking and she is being pressurized to marry either with Riki or with Rahul and accordingly on the basis of statement of the informant the victim was recovered.

Submission is of false implication and that against the petitioners there is no allegation either for kidnapping or for doing illegal act rather the allegation is against others. In this case similarly situated other co-accused have been allowed pre-arrest bail by the learned court below itself vide A.B.A. No. 441 of 2014 and as such the petitioners also deserve sympathetic consideration. It is also submitted that the victim in her statement recorded under section 164 Cr.P.C. has not stated the names of the petitioners regarding their involvement in committing rape or indulging her in immoral trafficking and as such the petitioners also deserve sympathetic consideration, to which the learned A.P.P. does not oppose.

In the facts and circumstances as stated above, considering that Akbar Khalifa and Shisna Khalifa have already been allowed pre-arrest bail by the learned court below itself and against the petitioners there is no allegation of committing rape or getting the victim indulged in immoral trafficking and as such the

petitioners in case of their arrest or surrender within two months from the date of receipt/production of a copy of this order shall be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of. 1st Additional Sessions Judge, Begusrai-Cum-Special Judge under POCSO Act, Begusrai in Ballia P.S. Case No. 74 of 2014, subject to the conditions as laid down in section 438 (2) of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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