

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44918 of 2015

Arising Out of PS.Case No. -326 Year- 2014 Thana -KADAMKUAN District- PATNA

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Salma Khatoon @ Saalma Khatoon Wife of Late Md. Raju, Resident of
Mohalla 15, Sharvan Bazar, P.S. + Town- Munger, District- Munger.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL ORDER

2 16.10.2015 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner apprehends arrest in
Kadamkuan P.S. Case No. 326 of 2014 dated 18.07.2014
instituted under Sections 376/34 of the Indian Penal Code
and 4/5/6 of the Immoral Traffic (Prevention) Act, 1956.

The allegation against the petitioner is of
forcing the victim girl into prostitution.

Learned counsel for the petitioner submits
that from the reading of the statement of the victim girl before
the Court under Section 164 of the Code of Criminal
Procedure, 1973, it would be obvious that it was the petitioner
who had actually given her support when she was ditched by



her lover. It is further submitted that though the victim has made allegation against the petitioner but subsequently she has also said that once when her uncle had come to the place where the victim was kept, she had tried to run away but was caught by the petitioner who told her to get her son who was behind bars at the instance of the uncle of the victim to get him released. It is further stated that the petitioner tried to convince the victim but she did not relent and had asked to be taken to her home and thereafter the petitioner is said to have herself left her at the house from where the uncle and the police took her. It is thus submitted that at no point of time the victim was ever forced into any activity and even if it is assumed that such activity was being held, it was at best by the free will of the victim. Learned counsel submits that besides being a lady, the petitioner has no criminal antecedent.

Learned A.P.P. submits that the victim had alleged about her being forced into prostitution by the petitioner.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the court below within six weeks from today, the petitioner be released on bail upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Chief

Judicial Magistrate, Patna in Kadamkuan P.S. Case No. 326 of 2014, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that she shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of her bail bonds. The petitioner shall cooperate in the trial and be present before the Court on each and every date. Failure to cooperate or appear on two consecutive dates, without sufficient cause, shall also lead to cancellation of her bail bonds.

(Ahsanuddin Amanullah, J.)

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