

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6936 of 2016

Arising Out of PS.Case No. -20 Year- 2015 Thana -GAYA GRP CASE District- GAYA

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1. Md. Nausad Sekh Son of Idris resident of Village Natesar P.S
Neemchak Bathani, District Gaya.;

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Durgesh Nandan

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

2 16-02-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a case registered
for the offences punishable under Section 374 of the Indian Penal
Code and under section 26 of the Juvenile Justice Act.

12 children were intercepted near railway station,
Sasaram when they disclosed that they were being taken to Jaipur
for being employed in bangle factory leading to registration of FIR
against unknown. During the investigation 2-3 parents of
intercepted children suggested that it was the petitioner who was
sending their children to Jaipur.

It is submitted by the learned counsel for the petitioner
that, even assuming the accusation, neither any offence under
section 374 of the IPC nor under section 26 of Juvenile Justice Act

is made out as section 374 of the IPC deals with unlawful compulsory labour which is not alleged in the present case and so far Section 26 of the Juvenile Justice Act is concerned, it deals with exploitation of juvenile or children but admittedly the children neither reach Jaipur nor were employed. Moreover, some of the parents of intercepted children themselves admitted that they are poor people hence wanted to get the children employed.

Considering the aforesaid facts, let the above named petitioner be released on anticipatory bail in the event of arrest or surrender before the learned Court below within a period of twelve weeks from today on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Gaya in connection with Sasaram Rail P.S. Case No. 20/2015 subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Dinesh Kumar Singh, J)

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