

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51266 of 2016

Arising Out of PS.Case No. -28 Year- 2016 Thana -MAHILA P.S. District- KISANGANJ

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1. Neelam Khatoon, Wife of Md. Kurban, Resident of Prem Nagar, P.O. and P.S.-Bahadurganj, District-Kishanganj
 2. Sajna Khatoon @ Soni, Wife of Md. Ahsan, Resident of Prem Nagar, P.O. and P.S.-Bahadurganj, District-Kishanganj

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Surya Nilambari, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 13-12-2016 Heard learned counsel for the petitioners and
learned APP for the State.

Petitioners are languishing in custody since 10.07.2016 in connection with Kishanganj Mahila P.S. Case No. 28/16 for offences punishable under Sections 370, 372, 373, 120-B of the Indian Penal Code, under Sections 3, 4 and 5 of the Immoral Traffic (Prevention) Act and under Sections 8 and 12 of the POCSO Act.

The prosecution case, as lodged by the police, is that house of both the petitioners were raided and from the house of petitioner no. 2 two victim girls with two persons in objectionable condition were recovered and from the house of petitioner no. 1 one victim girl with one person in objectionable



condition was recovered.

It has been submitted by the learned counsel for the petitioners that they are innocent and have falsely been implicated in the aforesaid case. It is submitted that neither Sections 372, 373 of the Indian Penal Code is applicable as the victim girls were major and married ladies nor offence under the provisions of POCSO Act is made out against them. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence.

However, learned APP for the State submits that the petitioners are named in the First Information Report, hence, opposes the prayer for bail.

Considering the facts and circumstances and the statement of the victim ladies, who are major and have not supported the prosecution case, let petitioners, above named, be enlarged 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 learned Addl. District and Sessions Judge 1st cum Special Judge, Kishanganj, in connection with Kishanganj Mahila P.S. Case No. 28/16.

(Nilu Agrawal, J.)

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