

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48813 of 2015

Arising Out of PS.Case No. -39 Year- 2015 Thana -MAHILA P.S. District- SAHARSA

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1. Binod Kumar, Son of Late Roopchan Khalifa,
 2. Md. Abdul, Son of Late Md. Baduruddin,
Both resident of village - Bhartiya Nagar (Khiryahi), P.S. Saharsa Sadar,
District - Saharsa.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 05-02-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioners apprehend their arrest in connection with Saharsa (Mahila) P.S. Case No. 39 of 2015 pending in the court of learned Sub-Divisional Judicial Magistrate, Saharsa for the offences instituted under Sections 371, 372, 373 and 34 of the Indian Penal Code and Sections 3, 4, 5 of the Immoral Traffic Act.

As per the prosecution case, it appears that the informant Anju Devi submitted a complaint written by some one before the Station Head officer of Mahila Police Station, Saharsa, alleging therein that at the time of flood of Kusaha, she was spending the night at Saharsa Railway Station after strolling from



her parents. She further alleged that at about 12 O'clock in the night, a rickshaw puller took her after saying that her family is residing in near where she spent the night. She next submits that the said rickshaw puller did not take her to her house and rather, had taken her in Khiryahi Red Light Mohalla and sold her to one Kishore Kumar, where she was forcibly put in prostitution. The informant further alleged that in day hour she was being confined in a room and in the night the accused persons namely, Kishore Kumar, Md. Bindo and Md. Abdul compelled her to do prostitution. She further alleged that on 15.07.2014, she managed to escape from there and reached near her parents but her daughter remained at Khriyahi. She tried to take her daughter but the accused persons threatened her. She further alleged that on 21.07.2015, she went to the said place to take her daughter where the accused persons again tried to kill her but with the help of the passers, she escaped herself and went to the Police Station and lodged the complaint against the accused persons.

It is submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. Petitioners have been made accused due to mistake of fact. From perusal of the Annexure-2 to the above petition, it is evident that the informant has filed a petition in court below where he has stated that the

petitioners have been made accused due to mistake of fact. The statement of the victim has been recorded under Section 164 Cr. P.C., which is Annexure-3 to the supplementary affidavit. Nothing adverse has been alleged against the petitioner in her 164 Cr. P.C. Statement.

On behalf of the State and informant, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners above named, be released on bail in the event of their arrest or surrender before the learned court below within a period of six weeks from today in connection with Saharsa (Mahila) P.S. Case No. 39 of 2015 on furnishing bail bond of Rs.10,000/- (Rs. Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Saharsa subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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