IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48870 of 2015

Arising Out of PS.Case No. -682 Year- 2015 Thana -SITAMARHI District- SITAMARHI

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1. Md. Sarfuddin Son of Late Saleem Ansari, Resident of Mohalla - Boha Tola, P.S. - Sitamarhi, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Ramakant Sharma, Sr. Advocate
Mr. Pushpendra Kumar Singh
For the Opposite Party/s : Mr. Meena Singh(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 28-01-2016 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Sitamarhi P.S. Case No. 682 of 2015 registered for the offences punishable under Sections323, 363, 366(A), 370, 372, 373 of the Indian Penal Code and Sections 3, 4, 5, 6, 8 and 9 of Prevention of Immoral Traffic Act.

Allegedly, the petitioner and Pinki Khatoon were caught during raid whereas other co-accused Suresh Khalifa and his wife Pinki Phatoon succeeded in fleeing away and the informant identified the petitioner and stated that he is assisting Suresh Khalifa in immoral trafficking.

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Submission is of false implication and that the petitioner is the brother of Pinki Khatoon which is evident from the parentage given in the fardbeyan itself, he has been made victim of circumstances, there is no legal and cogent material against him, he has not committed any over act against informant and as such the petitioner who is suffering in custody since 30.08.2015 deserves sympathetic consideration.

Learned APP after going through the case diary fairly submits that only allegation against the petitioner is that he was assisting Suresh Khalifa the main accused of this case.

In the facts and circumstances stated above, considering the period of detention of the petitioner and further that chargesheet has already been submitted and there is no chance of tampering with the prosecution evidence, the petitioner above named is directed to be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sitamarhi P.S. Case No. 682 of 2015, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date

during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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