

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36167 of 2016

Arising Out of PS.Case No. -6 Year- 2016 Thana –KISHANGANJ RAIL PS CASE

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Md. Zafar @ Md. Zafar Alam

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh

For the Opposite Party/s : Mr. Sri Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 26-09-2016

Heard both sides.

The petitioner apprehends his arrest in Kishanganj Rail P.S. case No. 6/ 2016 under Section 370, 374 of the Indian Penal Code and under Section 23/26 of J. J. Act.

The informant, with the help of N.G.O., recovered 12 minor boys from the platform of railway station. Md. Subhani, one of the minor boys, disclosed, on enquiry, that his villager Md. Zafar @ Md. Zafar Alam, the petitioner, was taking him for employment in marble work, Punjab.

The learned counsel for the petitioner submits that no offence under any Sections of the IPC, as alleged in the FIR, is made out. Even Sections 23 and 26 of J. J. Act are not made out against the petitioner on the basis of allegation made in the FIR. The petitioner was not taking the minor boys to do any hazardous

work and father of Md. Subhani was also accompanying him as his statement was recorded by the police in paragraph 128 of the case diary. The victim was accompanying the petitioner on the platform and petitioner never indulged him in any hazardous work nor tortured the victim, a minor boy.

Considering the facts aforesaid and the nature of allegations made against the petitioner, the above named petitioner, in the event of his arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Railway Judicial Magistrate, Katihar in Kishanganj Rail P.S. Case No. 6 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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