

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2461 of 2017**

Arising Out of PS.Case No. -91 Year- 2016 Thana -SAMASTIPUR GRP CASE District-  
SAMASTIPUR

- =====
1. Md. Afsar Kalam @ Afsar Kamal, Son of Md. Faiyaz, Resident of Village-Lahsaniya, P.S. Patahi, District-East Champaran, Bihar.
  2. Md. Noor Alam, Son of Md. Haqem, Resident of Village-Kachurva, Police Station-Gadh, District-Wara (Nepal).
  3. Md. Sheikh Ful Mohammad, son of Md. Sheikh Akbar, resident of village-Bairiya, Police Station-Gaur, District-Rotahat (Nepal).

.... .... Petitioners.

Versus

The State of Bihar

.... .... Opposite Party.

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with

**Criminal Miscellaneous No.3236 of 2017**

Arising Out of PS.Case No. -91 Year- 2016 Thana -SAMASTIPUR GRP CASE District-  
SAMASTIPUR

- =====
1. Md. Mahtab, son of Jami Akhtar, Resident of village - Rajpur Balwa, P.S. Gaur, District - Rothat (Nepal).
  2. Md. Wazir, son of Sheikh Safruddin, Resident of village - Baluwa, Police Station - Gaur, District - Rothat (Nepal).

.... .... Petitioners.

Versus

1. The State of Bihar.
2. Union of India through the Assistant Commandant 12th Battalion S.S.B. Sitamarhi.

.... .... Opposite Parties.

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**Appearance :**

(In Cr.Misc. No.2461 of 2017):

For the Petitioners : M/s. Abdul Mannan Khan & Binay Kr., Advocates.

For the State : Mr. Manoj Kumar – 1, A.P.P.

(In Cr.Misc. No.3236 of 2017)

For the Petitioners : M/s. Abdul Mannan Khan & Binay Kr., Advocates.

For the State : Mr. Manoj Kumar – 1, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA**

**ORAL ORDER**

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2      07-02-2017      Both the aforesaid applications arise out of the Same P.S.



case bearing Darbhanga G.R.P., Sitamarhi (DEG/GRP/SMI) P.S. Case No.91 of 2016 registered under Section 370 of the Indian Penal Code besides Section 16 of the Bounded Labour System and Abolition Act. Therefore, both the aforesaid applications have been heard together and are being disposed of by this common order.

The accusation is that on receiving secret information about carrying the children from Bergeniya Railway Station to Bombay, boarding on Karmbhumi Express, the police reached there and on search, 17 persons including the petitioners were found with 19 children, below the age of 18 years.

Learned counsel appearing on behalf of the petitioners submits that the children, who are said to be found with the petitioners, are the relatives of the petitioners and the other co-accused but the petitioners and others have falsely been implicated in this case on mere suspicion. The petitioners having no criminal antecedents are in custody since 28.10.2016.

Having regard to the facts and the circumstances of the case, the petitioners, above named, are directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Additional Chief Judicial Magistrate, Rail, Samastipur, in



connection with Darbhanga G.R.P., Sitamarhi (DEG/GRP/SMI)

P.S. Case No.91 of 2016.

**(Rajendra Kumar Mishra, J)**

**P.S./-**

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