

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51110 of 2018

Arising Out of PS.Case No. -163 Year- 2015 Thana -BALIYA District- BEGUSARAI

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Shamsher Khalifa, S/o Ghuran Khalifa, R/o Vill.- Mathurapur, P.S.- Ballia,
District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s: Mr. Shyam Bihari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 27-09-2018

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in POCSO P.S. Case No. 11 of 2018 arising out of Ballia P.S. Case No. 163 of 2015 instituted for the offence under Sections 341, 323, 363, 366(A), 368, 370(A), 370(D), 372, 373, 120(B)/34 of the Indian Penal Code, Sections 3, 4, 5, 6, 7, 8, 9 of Immoral Trafficking Act, Sections 4 and 8 of POCSO Act.

It is alleged in the written report that police got secret information that in Red Light Area of village Maduzapur in the house of Kalo Khalifa, his family members have kept a minor girl and prostitution is going on with her. The police personnel raided the house of Kalo Khalifa. On seeing the police party all the persons present there tried to escape, but with the help of Chowkidar namely, Rizwana Khatoon, two minor girls namely, Neha Kumari and Gita Kumari were apprehended. They disclosed that Lalo Devi has brought



them from Muzaffarpur. She has further disclosed that Kalo Khalifa, his brother K.R. Khalifa, Samser Khalifa, Ranjeet Khalifa, Sajni Devi, Soni Devi, Minu Devi, Rinu Devi and Lalo Devi along with 2-3 unknown persons have forced them to indulge in prostitution. All of them distributed the income of the prostitution in the night. Both of them were kept in the house of Kanku Yadav. It is further alleged that cash of Rs.200 and 250 was found with Neha Kumari and Geeta Kumari. All the persons on seeing the police party fled away.

After recovery, statement of Neha Kumari and Geeta Kumari under Section 164 Cr. P.C. has been recorded which has been enclosed as Annexure-2. The recovered girl Geeta Kumari in her statement recorded under Section 164 Cr. P.C. has not taken the name of this petitioner. The second girl namely, Neha Kumari has taken the name of this petitioner along with other co-accused persons namely, K.B. Khalifa, Soni Devi, Ranjeet Khalifa and Sajni Devi, who forced them to do flesh trade.

Counsel for the petitioner submits that K.B. Khalifa @ Ajay Khaliffa whose name has been taken by victim Neha Kumari, has already been granted bail by a coordinate Bench of this Court vide order dated 28.02.2018 passed in Cr. Misc. 7194 of 2018. Counsel for the petitioner further submits that victim girl Neha Kumari has stated in her statement that about three years back accused persons took her away.

Petitioner is said to be in custody since 18.07.2018.



Considering the aforesaid facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions judge, 1st, Begusarai, in connection with POCSO P.S. Case No. 11 of 2018 arising out of Ballia P.S. Case No. 163 of 2015, subject to the condition that both the bailors will be the close relatives of the petitioner.

Petitioner will file affidavit in the court below that he will not indulge in prostitution or flesh trade. In the event the petitioner finds to be indulged in such type of activity, the court below shall take appropriate steps to cancel his bail bond on the petition filed either by the victim girls or any of their family members.

(Sanjay Priya, J)

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