

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66228 of 2018

Arising Out of PS. Case No.-868 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Manish Khalifa @ Fantush, Son of Firoz Khaliffa, resident of Mohallah-Coolipara Rahmat Colony, P.S.- Town (Katihar), District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh 1

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-11-2018 Heard learned Counsel for the petitioners and the
learned APP for the State.

This is a case registered under Sections 3, 4, 5 and
6 of the Immoral Trafficking Act pending in the Court of
Additional Sessions Judge Ist -cum- Special Judge, POCSO Act,
Purnea.

It is submitted by the Counsel for the petitioner
that apart from grave discrepancy in the two statements
recorded under Section 164 Cr.P.C. dated 25.11.2017 and
12.12.2017, it is also submitted that the statements disclosed
that the victim has been along with the petitioner or other co
accused for substantial period of time. It is submitted that even
though the victim is allegedly along with the accused persons



for long period of time there is no evidence or averment that she had ever objected to the same or raised any grievance in course of her company with the accused persons. It is submitted that the petitioner has falsely been implicated in this case which is fabricated on extraneous consideration. The petitioner is in custody since 21.11.2017. The petitioner's prayer for bail was earlier rejected on 5.4.2018.

In the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on his furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge Ist -cum- Special Judge, Pocso Act, Purnea in K. Hat (Maranga) PS Case No. 868 of 2017, Special Case No. 33 of 2018 subject to the conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented



on each date in the trial and if he fails to do so on two consecutive dates, his bail will be liable to the cancelled.

(Madhuresh Prasad, J)

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