

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55885 of 2018

Arising Out of PS. Case No.-616 Year-2018 Thana- MOTIPUR District- Muzaffarpur

Ashok Rai, Son of Late Satya Narayan Rai, Resident of Village F.C.I
Godown Paswan Toli, Motipur, P.S. Motipur, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Kumar

For the Opposite Party/s : Mr. Ram Priya Sharan Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 10-12-2018 Heard the learned counsel for the petitioner and

the State.

The petitioner seeks bail in anticipation of his arrest in connection with Motipur P.S. Case No. 616 of 2018 dated 14.07.2018 instituted for the offences under Sections 363,365,370 and 34 of the Indian Penal Code and Sections 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956.

It has been alleged in the F.I.R. by the victim that one Rekha Devi called her at her house and gave her some sweet thing to eat. Thereafter, she became nervous. In that state of nervousness, she was made to board a train and in the process of making her board the train, the petitioner who is the brother of aforesaid Rekha Devi was present at the railway station. The victim has then alleged that she went to



Delhi without her volition and there she was kept by one Chandan Rai in his rented house. Aforesaid Chandan Rai made her work in his house as a maid-servant against her will. Later, she came back home.

Learned counsel for the petitioner has submitted that from the facts stated in the F.I.R., no offence under Sections 4, 5 and 6 of the Immoral Traffic (Prevention) Act, 1956 can at all be said to have been made out. Only because the petitioner is the brother of the aforesaid Rekha Devi, who is alleged to have called the victim and offered her something to eat before she was made to board a train for going to Delhi, there is no other allegation against the petitioner.

From the averments made in the F.I.R. and the police papers, learned counsel for the petitioner has argued, it appears to be a case where the victim wanted some work to earn her livelihood and in the process, the sister of the petitioner referred her to Chandan Kumar in whose house she worked. However, since she did not like the quality of work, she came back home and has lodged this case.



In any view of the matter, apart from the petitioner being present at the railway station at the time when the victim boarded the train, there is no allegation against him of any overt misdemeanor.

Considering the aforesaid facts, as also taking into account that the petitioner does not have any criminal antecedent, the petitioner above-named is directed to be released on bail, in the event of his arrest or surrender before the court below within a period of four weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Shri Nayan Kumar, J.M. 1st Class, Muzaffarpur in connection with Motipur P.S. Case No. 616 of 2018, subject to the conditions as laid down under Section 438 (2) Cr.P.C.

(Ashutosh Kumar, J)

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