

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34117 of 2019

Arising Out of PS. Case No.-1069 Year-2018 Thana- SITAMARHI District- Sitamarhi

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FIROJA KHATOON @ CHUNNI KHATOON Wife of Firoz Khan @ Md.
Firoz Ansari Resident of Mohalla- Khajurbanni Bohatola Ward No.-09, P.S.
and District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hans Lal Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

5 13-08-2019 Heard the learned counsel for the petitioner and the

learned Addl. P.P. for the State.

The petitioner seeks bail in Sitamarhi P.S. Case No.
1069/2018, instituted for offences under Sections 363, 365, 370,
370A, 372, 373, 376, 120B/34 of the Indian Penal Code read
with Sections 3, 4, 5 and 6 of Immoral Traffic Prevention Act as
well as Section 4/6 of POCSO Act and Section 76 of Juvenile
Justice Act.

The written report has been filed by Soni Kumari,
Sub-inspector of Police, Dumra P.S., Sitamarhi stating that on
confidential information from Welfare Organization, she along
with other police party committed raid in Muhallah Bohatola
Khajurdbanni, Ward No. 09 and recovered several girls, who
were kept in different houses for prostitution. It is alleged that



she first raided the house of Chunni Khatoon (petitioner), who was present in the house. On search cash was recovered from her Blouse. The raiding team searched the room of the house of petitioner and found one person Manoj Kumar as customer was present on the bed with a girl who disclosed her name as Kunti Kumari, aged about 16 years. The girl disclosed that she is resident of Varanasi. She had left her house on anger with her family member and reached at Patna Railway Station with her cousin sister Rupali. She was waiting at Patna Railway Station to go to Varanasi then this petitioner took her to her residence. Thereafter petitioner along with her husband Firoz Khan after taking money from customers forced her to do prostitution work. Several persons have committed sexual intercourse with her. The husband of this petitioner has also committed rape with her. The recovered girl Kunti Kumari disclosed that several other girls have also been brought from different States and they are kept in underground cell in the house of Billo Khalifa. Thereafter police raided the house of Billo Khalifa and found two girls kept in underground cell, who disclosed their name as Payal Khatoon and Rachna Kumari. They had been forced to do prostitution work by the accused persons of this Mohallah. About 10-15 persons used to commit sexual intercourse with her



in a day. It is alleged that Billo Khalifa and her wife Raushan Khatoon forced them to do prostitution work. They also showed the place where prostitution work was done. Several condoms and other articles have been recovered by the police from that place. It is further alleged that raiding team also conducted raid in the house of Munni Khatoon and recovered one girl who disclosed her name as Mithilesh Kumari, resident of M.P. Thereafter raid was conducted in the house of Manjoor Khalifa and one girl was rescued, who disclosed her name as Dharitri Kalita, resident of Guwahati. Raiding team conducted raid in the house of Chanda Khatoon and rescued two girls from underground cell, who disclosed their name as Sumita Murmu, resident of West Bengal and Amisha Kisku, resident of Deoghar. In this manner, on confidential information raiding party conducted raid in Boha Tola, Khajurbanni red light area and rescued several girls, who were used by petitioner and other accused persons for the purpose of prostitution.

Case diary has been received wherein statement of victim girl Kunti Kumari, who has been recovered from the house of petitioner, is available. She has stated that while she was waiting at Patna Railway Station, petitioner took her to her house in the night and she along with her husband forced her for



prostitution work. She has further stated in her statement that petitioner along with her husband used to assault her when she refused to go with customers. She has further stated that husband of petitioner has also committed rape with her. Statement of victim Kunti Kumari has been recorded under Section 164 Cr.P.C. in para 53 of case diary wherein she has stated petitioner along with her husband forced her for doing prostitution work. She was forced to establish physical relationship with 10-15 persons daily. She was not paid a single amount for the same. The accused persons used to collect Rs. 400/- to 500/- from each customer.

Learned Addl. P.P. has submitted that statement of other recovered victim girls have been recorded in para 54 to 59 of case diary. They have levelled specific allegation of overt act against the accused persons.

Learned counsel for petitioner has submitted that victim has been medically examined. Her age has been assessed by the medical board to be around 18 years. The doctor has opined that it is difficult to say whether rape has occurred or not.

Learned Addl. P.P. has submitted that in the case diary there is no mention about date on which victim girl has been medically examined. The victim girl has levelled specific



allegation against this petitioner for forcing her to do prostitution work. The victim has stated her age to be 16 years in the F.I.R. and also in the statement recorded under Section 164 Cr.P.C. Other independent witnesses have also supported the allegation against this petitioner in para 46 and 47 of case diary. The police has recovered several incriminating articles, as mentioned in detail in seizure-list, from the house of this petitioner which confirms that petitioner had used her house for prostitution. The victim girl was recovered by the police from the house of petitioner with a customer Manoj Kumar. Petitioner has criminal antecedent. She is accused in another case of similar nature as mentioned in para 3 of bail petition.

In such circumstances, this Court is not inclined to grant bail to petitioner. Prayer for bail of petitioner is accordingly rejected.

The trial court is directed to expedite the trial and make efforts to conclude the same within a period of nine months from the date of receipt/production of copy of this order.

Petitioner may renew prayer for bail in the event trial is not concluded within aforesaid period.

(Sanjay Priya, J)

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