

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.66551 of 2018

Arising Out of PS. Case No.-392 Year-2018 Thana- PURNEA SADAR District- Purnia

1. Fulo Khatoon W/o late Maqbool Ansari
2. Komal Khatoon W/o late Md. Farid
3. Mona Devi@ Mona Khatoon D/o Makbul Alam All Resident of Mohalla- Zero Mile Gulab Bagh, P.S. sadar, District Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

with

Criminal Miscellaneous No. 72224 of 2018

Arising Out of PS. Case No.-392 Year-2018 Thana- PURNEA SADAR District- Purnia

1. Nushrat Akhtar @ Nusarat Akhtar Wife of Javed Akhtar,
2. Milly H. Khatoon @ Milee, Daughter of Birbal @ Hasib Ali @ Birbal Khan @ Hafij Ali, Both R/o Sheeshabari, P.S.- Sadar, District- Purnea.
3. Dhiraj Jain @ Dhiraj Lal Chand Jain, Son of Lalchand Jain, R/o Sonauli Chowk, P.S.- Sadar, District- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

(In Criminal Miscellaneous No. 66551 of 2018)

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Respondent/s : Mr.Sri Binod Kumar

(In Criminal Miscellaneous No. 72224 of 2018)

For the Petitioner/s : Mr.Ashok Kumar Jha

For the Respondent/s : Mr.Sri Arun Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

4 15-01-2019

Criminal Miscellaneous No. 66551 of 2018

Heard learned counsel for the parties.

Petitioners seeks bail in **Sadar P.S. Case No. 392 of 2018** giving rise to **Special Case No. 102 of 2018** registered for



the offence punishable under Sections 341, 342, 370(A), 372, 373, 376, 366A and 210B of the Indian Penal Code and Section 3, 4, 5, 6 and 7 of Immoral Traffic Act, Section 75 of the J.J. Act and Section 3/4 of the POCSO Act.

Informant is a Police Officer who in his written report has stated that he received information that accused-petitioners were engaged in immoral act and after bringing the minor girls compelled them into prostitution. He reached the house of accused-petitioner and arrested 8 male and 14 female in a compromising position and apprehended girls who told him that petitioner nos.1 to 3 forced them for prostitution and took hefty amount from them but except two times food nothing was given to them.

It has been submitted on behalf of the petitioners that they are innocent and having no criminal antecedent. They have been made accused and arrested by the police without any basis and they are in custody since 15.07.2018. It has been further submitted that similarly situated co-accused persons have been granted bail vide order dated 19.12.2018 passed in Criminal Miscellaneous No. 76718 of 2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail



upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **1st Additional Sessions Judge, cum Special Judge, POCSO Act, Purnea**, in connection with **Sadar P.S. Case No. 392 of 2018 giving rise to Special Case No. 102 of 2018**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

Criminal Miscellaneous No. 72224 of 2018

Heard learned counsel for the parties.

Petitioners seeks bail in **Special Case No. 102 of 2018 arising out of Sadar P.S. Case No. 392 of 2018** registered for the offence punishable under Sections 341, 342, 370A, 372, 373, 376, 366A and 120B of the Indian Penal Code, Sections 3, 4, 5, 6 and 7 of Immoral Traffic Act, Section 75 of J.J. Act and Section 3/4 of POCSO Act.

Informant who is a police officer has alleged in his



written report that he received information that petitioner nos. 1 and 2 are engaged in immoral act and they forced minor girls for prostitution and upon receiving said information, the house of petitioners was searched and minor girls were recovered who told that petitioners forcibly told them to sit with the customers for prostitution arranged by them for which they took hefty amount but only two times meal was provided to them. Petitioner no. 3 is one of the customer who was apprehended from the place of occurrence.

It has been submitted on behalf of the petitioners that they are innocent and have been falsely implicated in this case and the allegations made are false and concocted. Similarly placed co-accused persons have been granted regular bail by this court vide order dated 19.12.2018 passed in Criminal Miscellaneous No. 76718 of 2018 and order dated 06.12.2018 in Criminal Miscellaneous No. 70126 of 2018. Petitioners have got no criminal antecedent and are in custody since 17.07.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioners named above be released on bail upon furnishing bail bonds of Rs. 10,000/- each with two sureties of the like amount each to the satisfaction of learned **1st Additional Sessions Judge cum Special Judge, POCSO Act,**



Purnea, in connection with **Special Case No. 102 of 2018**
arising out of Sadar P.S. Case No. 392 of 2018, with following
conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the court below.

(3) If the petitioners tamper with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioners.

(S. Kumar, J)

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