

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3604 of 2019

Arising Out of PS. Case No.-39 Year-2019 Thana- IMAMGANJ District- Gaya

Ahmad Asif Son of Noor Ahmad Resident of Mohalla - Tripal Complex, Pali Road, Dehri On Sone, P.S.- Dehri, Dist.- Rohtas.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Jitendra Prasad Singh
For the Respondent/s : Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

2 28-08-2019 Heard learned counsel for the appellant and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 09.07.2019 passed by learned Exclusive Special Judge, SC/ST Act, Gaya in Imamganj P.S. Case No. 39 of 2019 registered under Sections 417, 363, 365, 367, 370, 374 of the Indian Penal Code, Section 3/14 of the Child Labour Act, Section 75, 79, 81 of Juvenile Justice Act, Section 5(b)(1)(2) of Human Trafficking Action and Section 3(1)(h) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Ten minor children were recovered from the Victa



Sumo Gold vehicle in the course of trafficking them to work as child labour in the Barun hotel located in Aurangabad and a person sitting in the front seat, namely, Rajiv Kumar was apprehended.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He is not named in the FIR. He has been falsely implicated in this case because he happens to be owner of vehicle in question. Said vehicle is used for commercial purpose and Rajiv Kumar hired his vehicle for bringing his relative from Gaya and the appellant had no knowledge of transporting the minor children by the said person by his vehicle. Appellant has no criminal antecedent.

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, let the above named appellant be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, SC/ST Act, Gaya in connection with Imamganj P.S. Case No.



39 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

Accordingly, the impugned order is set aside and appeal is allowed.

(Prakash Chandra Jaiswal, J)

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