

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61993 of 2019

Arising Out of PS. Case No.-281 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. RANI KHATOON, Wife of Manjoor Khalifa, Resident of Village- Boha tola, P.S. and District- Sitamarhi.
2. Pinki Khatoon, Wife of Kallu Khalifa, Resident of Village- Boha tola, P.S. and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Awadhesh Kumar Singh, Adv. Mr. Pushpendra Kumar Singh, Adv.
For the Opposite Party/s	:	Mr. Ram Sevak Choudhary, APP
For the Victim	:	Mr. Sambhav Gupta, Adv.

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 25-10-2019 Heard learned counsel for the petitioners, victim and learned APP for the State.

The petitioners are languishing in custody since 15.05.2019 in a case registered for the offences punishable under Sections 363, 365, 370, 370A, 372, 373, 376, 120B/34 of the Indian Penal Code and Sections 3/4 of the Protection of Children from Sexual Offences Act, 2012.

The prosecution case got initiated on the basis of written report of the informant, Vijay Kumar Yadav, Police Inspector, Town Circle, Sitamarhi submitted to the S.H.O, Sitamarhi Town Police Station is to the effect that on being received information to the effect that flesh trade business is



going on in Boha Tola and Khajurbani, Manoj Kumar, JVIT Delhi was sent to the spot as a customer for enquiry and thereafter, a raid was laid in the house of co-accused, Manjoor Khalifa from where petitioners along with four other ladies were arrested.

It is submitted by learned counsel for the petitioners that petitioner no.1 is wife of co-accused, Manjoor Khalifa and hence, she has been arrested from the house and there is nothing on record to suggest that in the house of petitioner no.1 any flesh trade business was going on. It is further submitted that so far as petitioner no.2 is concerned, at the time of raid, she was not present in the house of petitioner no.1, but she was arrested along with three other women simply because she being neighbour of co-accused, Manjoor Khalifa. It is further submitted that similarly situated co-accused, Nafisa Khatoon, who is also wife of co-accused, Manjoor Khalifa, has been granted bail by a Co-ordinate Bench of this Court vide order dated 22.08.2019, passed in Criminal Miscellaneous No. 49966 of 2019.

Mr. Sambhav Gupta, learned counsel is appearing on behalf of the victim Noorjat Bano, though his name appears in daily cause list, but no Vakalatnama is on record. It is



submitted by Mr. Sambhav Gupta that all the girls were kept confined by petitioner no.1 for the purpose of flesh trade, hence, her case is not similar to that of co-accused, Nafisa Khatoon.

Learned APP for the State submits that five girls were recovered from the house of petitioner no.1, hence it is a clear cut case of flesh trade and the thrust of accusation is against the petitioners.

Considering the fact that both the petitioners are ladies having no criminal antecedent, investigation already being concluded, coupled with the fact that similarly situated co-accused has been granted bail by a Co-ordinate Bench of this Court fact, let the above named petitioners be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District and Sessions Judge-1-cum-Special Judge, POCSO ACT, Sitamarhi, in connection with Sitamarhi P.S. Case No.281 of 2019.

(Dinesh Kumar Singh, J)

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