

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.169 of 2020**

Arising Out of PS. Case No.-809 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

CHANDAN AGARWAL @ SANJAY AGARWAL @ SANJAY S/O Sri Vishnu Kumar (but in the first information report it is mentioned as Sanjay Agarwal and Subsequently police has made it as Sanjay Agarwal @ Chandan Agarwal and accordingly alias Chandan Agarwal is being written here), R/O - 50/A Kailashpuri, Road No.-2, Hanuman Nagar, Near Flour Mill, P.S. - Patrakar Nagar, District - Patna.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ajay Kumar Thakur, Advocate. Mr. Nilesch Kumar, Advocate.
For the Respondent/s	:	Mrs. Usha Kumari No.1, Special P.P.

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 14-12-2020 Heard learned counsel for the appellant and learned Special Public Prosecutor for the State through virtual Court proceedings.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the 'SC/ST Act') against the refusal of prayer of anticipatory bail vide order dated 20.12.2019 passed by learned 1st Additional Sessions Judge cum Special Judge POCSO, Patna in connection with Ram Krishna Nagar P.S. Case No. 809 of 2019/Special



(POCSO) Case No.234 of 2019 registered under Sections 372, 376 and 354/34 of the Indian Penal Code, Section 4, 18 and 16 of the POCSO Act, Section 3(1) (r) (w)/3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and Section 5 of the Illegal Human Trafficking Act.

The prosecution case, in brief, is that on the assurance of providing job in Mall, the victim and her friend came in the house of co-accused Puja Devi and after sometime she got information that co-accused Puja Devi and her husband are engaged in business of prostitution and she also persuaded her and her friend to enter into the business. It is also alleged that the husband of co-accused had molested her and her friend several times. It is further alleged that the victim was kept in the house of the appellant for about 10 days where the operator of this business Salma Khatun was doing this business with the support of one Bablu Kumar and Veena Ranjan. They also forced the informant in flesh trade and had fixed to sell her in Rs.2 lakh.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case as he happens to be



the son of the owner of the house, which was given to one Ramchandra Singh on rent on the assurance that he is a petty contractor dealing in paint work and will live there along with his family. It is further submitted that from bare perusal of the first information report no offence either under the IPC or under the POCSO Act or the SC/ST At or the Human Trafficking Act is made out against the appellant. It is also submitted that in the said building there are several flats. Uncle of the petitioner sold his share to one Shri Jaisingh Jain who is also residing in the same building. The victim in her statement recorded under 164 Cr.P.C has not stated anything against the appellant, except the owner of the house. Appellant has no criminal antecedent.

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

In the facts and circumstances of the case, the above named appellant, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Addl. Sessions Judge cum Special Judge POCSO, Patna in connection with Ram Krishna Nagar P.S. Case No.809 of



2019/Special (POCSO) Case No.234 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 this appeal is allowed.

(Anjani Kumar Sharan, J)

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