

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25996 of 2020

Arising Out of PS. Case No.-305 Year-2019 Thana- BALIYA District- Begusarai

Shankar Khalifa @ Shankar Nut Son of Late Dhanik Khaliffa Resident of
Village - Satti Chaura, Chhoti Ballia, Ward No. 14, P.S.- Ballia, District -
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate
For the Opposite Party/s : Mr. A.G

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 01-12-2020 Heard Mr. Yogesh Chandra Verma, learned
Senior Advocate for the petitioner and the learned APP
for the State.

The petitioner seeks bail in connection with
Ballia P.S. Case No. 305 of 2019 dated 06.08.2019
instituted for the offences under Sections 364, 366A,
367, 370, 370A, 371, 372, 373, 376, 120B and 34 of
the Indian Penal Code, Sections 3, 5, 6, 7 and 8 of
Immoral Traffic Act, Sections 4, 6, 12 and 17 of the
POCSO Act and Sections 75/18 of the Children Justice
Act.

It appears from the prosecution report that a
raid was conducted in the house of the petitioner on
secret information that the place is being used for
exploiting women and forcing them into flesh trade.



Some of the girls were recovered from that place along with incriminating articles. Later, the recovered girls did not state anything which could implicate the petitioner in this case. In fact, all of them have gone on record to state that they were never forced into flesh trade. The statement of those victim girls appears to be rather curious.

However, the fact remains that there has been recovery of incriminating substances from the house of the petitioner and it is also inexplicable today as to the presence of so many girls in his house when there is no specific averment regarding their being related to the petitioner.

The accusation is rather serious and the assertion on the part of the petitioner that some of the other accused persons of this case have been granted bail by different Benches of this Court do not weigh with this Court for grant of bail notwithstanding the fact that the petitioner is in custody today for more than a year.

The prayer for bail is rejected for the present.

However, if the trial is not concluded within a period of nine months and which delay is not attributable to the petitioner, he will be at liberty to approach the court below for grant of bail. In that case the court below shall be required to state the reason for the tardy



progress of the trial.

The petition stands disposed of with the
aforesaid observation.

(Ashutosh Kumar, J)

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