

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20913 of 2020

Arising Out of PS. Case No.-9 Year-2020 Thana- DINARA District- Rohtas

Jabbar Miyan @ Jabbar Miya @ Abdul Jabar, aged about 50 years, Gender- Male, Son of Ashik Miyan Resident of Village - Karanj, P.S. - Dinara, District - Rohtas, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamal Nayan Choubey, Sr. Advocate with
Mr. Prashant Kumar, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 06-07-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Kamal Nayan Choubey, learned senior counsel along with Mr. Prashant Kumar, learned counsel, for the petitioner and Ms. Pushpa Sinha, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner is in custody in connection with Dinara PS Case No. 9 of 2020 dated 03.01.2020 instituted under Sections 344/366/370(3)/120 of the Indian Penal Code and 3(a) (b)/4/5(a) of the Immoral Traffic (Prevention) Act, 1956.

4. The allegation against the petitioner is that he had



kept the informant and two other girls in his house not allowing them to go out and it is further alleged that they had been hired by the petitioner, who runs a dance troupe, and that he also had made attempt to commit immoral act but could not succeed and further that he had taken their signature on blank paper by putting them under threat and had told them that he had bought them for Rs. 30,000/-.

5. Learned counsel for the petitioner submitted that the allegation is false and the informant and other girls had taken money to perform in his dance troupe and because they neither wanted to perform nor return the money, this false case has been instituted. Learned counsel submitted that as per the allegation itself, no wrong act was committed and at best, only the informant and the girls were being pressurized. It was submitted that the girls, because they belong from outside the State, were being kept at the house of the petitioner where they are also being properly taken care of with regard to boarding and lodging. Learned counsel further submitted that the medical examination does not disclose any wrong doing and the petitioner is in custody since 04.01.2020.

6. Learned APP submitted that the direct allegation against the petitioner is of forcefully keeping the girls and not



allowing them to leave and also of trying to commit immoral act. It was submitted that the petitioner has at least three other criminal antecedents under serious sections, including Sections 504, 506, 354 and 376 of the Indian Penal Code. It was further submitted that there was no occasion for the girls to falsely implicate the petitioner as they are from outside the State, having no past enmity, and only because of the conduct of the petitioner, they were forced to file such criminal case.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail, at this stage.

8. Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

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