

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4911 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- BEGUSARAI RAIL P.S. District-
Begusarai

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MD. SAJED @ MD. SAAJED @ MD. SAJJAD ALAM, aged about 40 years,
male, Son of Badruddin, Resident of Village- Marar, Ward No.10, Police
Station- Morkahi, District- Khagaria.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Kunwar Narayan Jamuar
For the Respondent/s : Mr.Binay Krishna

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 22-05-2020 Heard both sides.

This case is taken up through video conferencing.

The appellant filed this appeal for grant of bail in
Begusarai Rail P.S. Case No.22 of 2019, registered under
Section 370 of the Indian Penal Code and 79 of the J.J. Act as
well as under Sections 3(I) (H), 3(2)(v) of the SC/ST (POA)
Act.

The gist of the allegation against the appellant is that
the appellant was taking six minor children for bounded labour
in Katihar-Patna Intercity Express. The informant with the help
of other police officials arrested the appellant and recovered all
the six minor children.

Learned counsel for the appellant submits that the



appellant is the co-villager of the minor children. The parents of the minor children are working in a brick kiln situated in Neemchak Bathani P.S., District Gaya. The appellant is working as a Munshi in the same brick kiln. The parents of the minor children asked the appellant when the appellant had come to their house to bring their children at their working place that is why the appellant was taking the minor children to the working place of the parents of the minors. The parents of the minors have also sworn affidavit to this effect. The appellant is in jail since 05.07.2019 and there is no evidence to show that the appellant forced the minors to work in any hazardous factory or work establishment. Simple allegation against the appellant is that the appellant was carrying minors. Unless there is any material to show that the appellant was forced to do the bounded labour, no offence under Section 79 of the J.J. Act or 370 of the Indian Penal Code is made out.

However, Mr. Binay Krishna, the learned Special P.P. vehemently opposed the prayer for bail but at the same time submitted that the parents of the recovered children who were accompanying the appellant in a train disclosed in their statements that on their request, the appellant was carrying their children at their working place.



Taking into consideration the facts aforesaid and the nature of allegations made against the appellant and the fact that the appellant is in jail since 05.07.2019, appellant, namely, Md. Sajed @ Md. Saajed @ Md. Sajjad Alam is directed to be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, SC/ST (POA), Begusarai in Begusarai Rail P.S. Case No.22 of 2019.

Accordingly, the appeal is allowed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

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