

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80269 of 2019**

Arising Out of PS. Case No.-1110 Year-2018 Thana- BETTIAH CITY District- West
Champaran

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MD. NASIRUDDIN @ MD. NASIRUDDIN @ KAPATU @ KAPTU, Son of
Late Rasheed Miyan, Resident of Mohalla - Ganj No. 2, Ward No. 9, P.S.-
Bettiah (Town), District - West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva, Adv.
For the Opposite Party/s : Mr. Amit Kumar Rakesh, APP

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**CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER**

3 25-06-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

It happens to be a case of human trafficking and the
victim herself is the informant who was deceived by one Rahul
Kumar to the place of Praveen Begum where she was forced to
indulge in satisfying the sexual urge of the customers.

Learned counsel for the petitioner submitted that though
subsequently the name of the petitioner transpired but, those
activities happen to be at the instance of local politics, as had there
been presence of the petitioner during the aforesaid incident, the
informant must had identified him with specific allegation during
course of FIR itself. So, it is a fit case wherein the petitioner
should be granted anticipatory bail.

Learned Additional Public Prosecutor opposed the same



and submitted that as per the Constitution Bench decision of the Supreme Court in the case of **Shri Gurbaksh Singh Sibbia & others vs. State of Punjab**, reported in (1980) 2 SCC 565 as well as **Sushila Aggarwal & Ors. vs. State (NCT of Delhi) & Anr.**, reported in 2020 (1) PLJR 524 (SC) it is evident that exercise of power to grant anticipatory bail should be exceptional that too when there happens to be proper material in favour of the petitioner having his implication. The victim was an outsider that of West Bengal. Further the FIR should not be a cyclopedia.

Soon after recording of the case, the victim was further re-examined and during course thereof, she had specifically identified the petitioner along with part played by him who along with Rukaiya and Praveen got leg of the victim burnt so that she should not escape and then, in that condition she was forced to indulge in prostitution which the victim had reiterated in her statement under Section 164 of the Cr.P.C.

Consequent thereupon, the prayer for anticipatory bail is rejected.

(Aditya Kumar Trivedi, J)

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