

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32831 of 2020

Arising out of PS. Case No.-470 Year-2019 Thana- BANKA District- Banka

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Pankaj Das @ Pankaj Kumar aged about 30 years (Male) Son of Arbind Kumar Das Resident of Village - Pabarha Rampur, Police Station - Bounsi, District - Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Syed Ashfaque Ahmad, Advocate
For the State : Mr. Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-05-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Syed Ashfaque Ahmad, learned counsel for the petitioner and Mr. Md. Matloob Rab, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Banka (Barahat) PS Case No. 470 of 2019 dated 09.07.2019, instituted under Sections 363/366(A)/376(D) of the Indian Penal Code and 4 of the Protection of Children from Sexual Offences Act, 2012.

4. The allegation against the petitioner is that he along with his mother-in-law, on false pretext had enticed the daughter of the informant and had taken her to Delhi where she was forced into the business of prostitution and when she was kept as a maid



in the house of a person at Delhi, salary was also taken by the petitioner.

5. Learned counsel for the petitioner submitted that as per the FIR, the victim, who is the daughter of the informant, was living with the informant, and she was enticed about three months prior to lodging of the FIR on 09.07.2019, whereas in the FIR itself it has also been written that on 16.11.2018 he had gone to complain with regard to the daughter missing, i.e., almost eight months prior to lodging of the case and not three months and further that there is no evidence of any such complaint anywhere. It was further submitted that during investigation it has come that the victim was already married prior to the incident in Uttar Pradesh. Learned counsel also took a categorical stand that despite the police wanting her to record her statement before the Magistrate under Section 164 of the Code of Criminal Procedure, 1973 and also favouring medical examination, both were refused by the daughter of the informant. Further, it was submitted that the petitioner has no criminal antecedent.

6. Learned APP, from the case diary, submitted that the petitioner is accused of taking the daughter of the informant to Delhi and also of sexual abuse and taking the salary earned by the petitioner from the place where she was employed. However, he



did not controvert the fact that the victim girl has herself stated that she was married to one Ranjeet Harijan, resident of village-Karua in the district of Bareilly in the state of Uttar Pradesh. Further, it was also not controverted that the victim girl refused to get her statement recorded under Section 164 of the Code of Criminal Procedure, 1973 before a Magistrate or to get medically examined.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest or surrender before the Court below within six weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge-I, Banka in Banka (Barahat) PS Case No. 470 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and further (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall cooperate with



the Court/police/prosecution. Failure to cooperate, shall also lead to cancellation of his bail bonds.

8. It shall also be open for the prosecution to bring any violation of the foregoing conditions of bail by the petitioner, to the notice of the Court concerned, which shall take immediate action on the same after giving opportunity of hearing to the petitioner.

9. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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