

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11142 of 2021

Arising Out of PS. Case No.-34 Year-2020 Thana- KATIHAR GRP CASE District- Katihar

Izhar aged about 20 years, (Male) son of Kasim, Resident of village-
Shikarpur, Police Station- Balia Belon, District- Katihar.

... .. Petitioner

Versus

The State of Bihar

... .. Opp Party

Appearance :

For the Petitioner : Mr. Nafisuzzoha, Advocate

For the State : Mr. Pradeep Kumar Narain, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 28-07-2021 In view of the sudden resurgence of Covid-19 infection, there is limited functioning of the High Court and, therefore, the matter has been listed today for consideration through virtual mode.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant case for depositing the requisite court fee and to remove the defects as pointed out by office when called upon to do so by the office.

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in Katihar Rail PS Case No.34 of 2020, instituted for the offence under Sections 370 and 374 of the Indian Penal Code, Section 3 of the Child Labour Act and Section 5 of the Provisions of Human Trafficking Act.

The Labour officer, Katihar has recovered 14 children while it is alleged that they were being taken away on a train for engaging them in child labour outside the State. From the petitioner also two children have been recovered.

The learned counsel for the petitioner submits that, in



fact, the children were his relatives and having no criminal antecedents, he was taking them along with him on a *bona fide* journey and it is a case of false implication. It is submitted that co-accused, namely, Akil Alam and Ajay Kumar Ganesh have been allowed bail by the learned Additional Sessions Judge V Katihar vide order dated 05.10.2020, copy of the order is annexed as Annexure-2 to the bail petition.

The learned APP representing the State has opposed the prayer for bail. It is submitted that relevant paragraphs of the case diary have been taken note of by the learned Additional District and Sessions Judge IV Katihar, while rejecting the petitioner's prayer for bail on 01.10.2020, wherein, statements of the two children recovered from him has been recorded. They have stated that they were being taken for engaging them in child labour outside the State.

Considering the rival submissions, this Court, for the present, is not inclined to extend the privilege of bail to the petitioner. Petition is rejected.

The learned Trial Court is directed to proceed with the trial expeditiously and without any undue delay or adjournments.

(Madhuresh Prasad, J)

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