

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11158 of 2022

Arising Out of PS. Case No.-384 Year-2021 Thana- ARWAL District- Jehanabad

1. SUNIL MALIK @ HAMPI S/o Ranjan Malik Resident of Jagatsinghpur, P.S. and District- Jagatsinghpur, State- Odisha.
2. Nimai Chandra Behra @ Nimai Chand Bahera S/o Gaurhari Behra Resident at Fulankhara, P.S. and District- Cuttak, State- Odiha.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 23-06-2022 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners seek bail in connection with POCSO Case No. 82/2021 arising out of Arwal P.S. Case No. 384/2021 lodged under Sections 346, 370, 370(A), 372, 373, 376, 120(B)/34 of the Indian Penal Code and Sections 3, 4, 5, 6, 7, 8 and 9 of the Immoral Trafficking. Act 1956 and Sections 4/6 of the POCSO Act.

As per allegation made in the FIR, the informant along with his officials have made raid at different houses and places in locality of Janakpur Dham red light area in presence of independent witnesses and during course of raid, the petitioners along with about 22 women and minor girls were found inside the house and some of them were found in objectionable



condition inside the house. Used and unused condoms were also found. Accordingly, the seizure list was prepared. It is further alleged that the house of Shakuntla Devi, Rupsana Khatoon, Manjhu Niwas were the places of prostitution.

Learned counsel for the petitioners submits that petitioners are innocent, charge sheet has already been submitted in this case, petitioners are in custody since 30.10.2021 having no criminal antecedent. He further submits that in Sections 3, 4, 5, 6, 7, and 8 of I.T.P. Act punishment are up to three years or less. Whereas Section 9 the act is not attracted. He further submits that Sections 4/6 POCSO Act is not applicable at all and police has added this section only with a view to make the offence graver.

The learned A.P.P. for the State opposes the prayer for bail.

In the facts and circumstances of the case that charge sheet has already been submitted, petitioners are in judicial custody since 30.10.2021 having clean antecedent and also that series of co-accused persons were granted bail by the co-ordinate Benches of this Court passed in Cr. Misc. No. 2970/2022 analogous with Cr. Misc. No.2992/2022 and Cr. Misc. No. 3530/2022 vide order dated 09.06.2022, let the



petitioners above named be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI cum Special Court POCSO, Jehanabad, in connection with POCSO Case No. 82/2021 arising out of Arwal P.S. Case No. 384/2021, subject to conditions:-

The petitioners are directed to file an affidavit before the trial court that they shall not involve in such type of activities in future, at the time of furnishing their bail bonds.

The prosecution is at liberty to file cancellation of bail, in case the petitioners violate their undertaking.

(Dr. Anshuman, J)

amitkumar/-

U		T	
---	--	---	--

