

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25594 of 2021

Arising Out of PS. Case No.-272 Year-2018 Thana- BAHADURGANJ District- Kishanganj

1. Majid Alam @ Majid Nut Son Of Sone Lal Nut @ Sonai Nut R/O Village- Bishanpur Mahadevdighi, P.S.- Kochadhaman (BISHANPUR O.P.), District- Kishanganj.
2. Shahjada @ Khoka Nut Son Of Late Ayub @ Ayub Nut R/O Village- Bishanpur Mahadevdighi, P.S.- Kochadhaman (BISHANPUR O.P.), District- Kishanganj.
3. Md Khalid @ Khalid Son Of Noor Mohammad R/O Village- Bishanpur Mahadevdighi, P.S.- Kochadhaman (BISHANPUR O.P.), District- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan
For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-02-2022 Due to the third wave of COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading “For Orders” under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks after restoration of normalcy.

Heard learned counsel for the petitioners and the State through virtual mode.

The petitioners are apprehending their arrest in Bahadurganj P.S. Case No. 272 of 2018 registered under Sections



370, 372, 376, 120B/34 of the Indian Penal Code, 3, 4 & 5 of Immoral Prevention of Traffic Act and Sections-4 & 6 of POCSO Act.

Allegedly, the informant was induced by co-accused, Afroz to work in a factory. Later on, another co-accused namely, Chand took her to Kishanganj where she was forced into flesh trade.

It has been submitted on behalf of the petitioners that the petitioners have got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have been made accused in the present case due to mistake of fact. The petitioners are not named in the FIR. Their names have transpired in this case on the basis of confessional statement of co-accused. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in the present case. The another co-accused with similar allegation has been granted anticipatory bail by a coordinate bench (then His Lordship was) of this court vide order dated 19-07-2019 passed in Cr. Misc. No. 30670 of 2019.

On behalf of the State, it is submitted that the petitioners are not named in the Complaint Case/F.I.R.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further



this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in covid cases.

Considering the aforesaid facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal bond to the satisfaction of learned Chief Judicial Magistrate, Kishanganj in connection with Bahadurganj P.S. Case No. 272 of 2018 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioners shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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