

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29491 of 2021

Arising Out of PS. Case No.-842 Year-2020 Thana- MAJHAULIA District- West Champaran

SAHEB ALAM Son of Kasim Sah Resident of Village - Basra, P.S.-
Majhauria, Distt.- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 38540 of 2021

Arising Out of PS. Case No.-842 Year-2020 Thana- MAJHAULIA District- West Champaran

JYOTI MISHRA Wife of Saheb Alam Resident of Village- Basra, P.S.-
Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 29491 of 2021)

For the Petitioner/s : Mr.Sanjay Kumar No. 7, Adv

For the Opposite Party/s : Mr.A.P.P.

(In CRIMINAL MISCELLANEOUS No. 38540 of 2021)

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

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 24-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioners and learned
APP for the State.

Petitioners seek bail in a case registered for the



offences punishable under Sections 346, 363, 366(A), 367, 370, 370(A), 371, 372, 373, 354, 354(A), 354(B), 506, 509 of the Indian Penal Code, Sections 3,4,5,6,7 and 8 of the Immoral Traffic Act, Sections 8,12 and 17 of the POCSO Act and 75 of the J.J.Act.

The prosecution case, in short, is that the informant who happens to be S.H.O. of Majhaulia P.S. has got information by N.G.O. that a girl who had been kidnapped from District 24 Pargana was kept near Majhaulia. Thereafter, on 30.12.2020 at about 5.45 hours the informant alongwith police party raided a house near Mohaddipur railway crossing. During the course of search, the informant came to know that Musical Orchestra Group was running to the house of Mangal Sah. The accused petitioner is the organizer of this group. It has been alleged that the accused petitioner and other co-accused were involved in immoral trafficking of minor girls and compel them to do prostitution.

Learned counsel appearing for the petitioners submits that the petitioners have falsely been implicated in the present case. He further submits that in fact the petitioner is Organizer of the Orchestra Team. He further submits that all the recovered boys and girls were performing their act in the orchestra party



and they have agreed to perform their act for a season. He further submits that the allegation of the recovered girls in the light of the fact that since the Government has prohibited the use of music and dance in the marriage ceremony due to covid effect.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioners and submits that in paragraph Nos.14 to 22 of the case diary the statements of the victims were recorded in which they all categorically stated that the petitioners and other co-accused persons forced the victim girls for immoral trafficking without consent of the victims.

Considering the aforesaid facts, I am not inclined to enlarge the petitioners on bail in connection with Majhauriya P.S.Case No.842 of 2020 pending in the court of learned Special Judge POCSO-cum-Additional District and Sessions Judge 6th, Bettiah, West Champaran.

Prayer is refused.

(Rajesh Kumar Verma, J)

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