

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23005 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- PALANWA District- East Champaran

VIKASH S/O DEEPAK RISHAL R/o village- Patari Ward No. 03, P.S.-
Patari, District- Morang (Nepal)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 23029 of 2022

Arising Out of PS. Case No.-45 Year-2022 Thana- PALANWA District- East Champaran

RAM BABU YADAV SON OF KHUDAN YADAV R/O VILLAGE-
SAUNAHA, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23005 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Md. Ataur Rahman

(In CRIMINAL MISCELLANEOUS No. 23029 of 2022)

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Ramchandra Sahni

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH

ORAL ORDER

3 14-09-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Both the petitions arise out of the same police station case
number and as such they are taken up together and are being
disposed of by this common order.

Petitioners seek regular bail in Palanwa P.S Case No. 45



of 2022 registered for the offences punishable under Sections 376, 370, 370A, 372, 373, 354B, 506/34 and other allied sections of the Indian Penal Code, sections 3,4 ,5, 6 of ITP Act and sections 6, 8,12, 17 of POCSO Act.

As per allegation the S.H.O of police station concerned with the help of Human Trafficking Prevention Unit conducted raid at two orchestra parties and recovered four minor girls and four major girls and according to the allegation of prosecution the said girls were trafficked from Nepal country into Indian territory and they were brought here in the name of providing them a job in orchestra musical company but they were forced in illicit activity of prostitution and they were denied to return back into their country and accordingly the said girls were rescued by the joint operation conducted by the police officials of the police station concerned and Human Trafficking Prevention Unit.

The main submissions advanced by learned counsel Sri Umesh Chandra Verma appearing for both the petitioners are that the allegation levelled in the FIR against both the petitioners is completely false, in fact all the recovered girls voluntarily came into India to get employment in the orchestra company of the petitioners and they simply performed the work of dancing in the orchestra company and they were never exploited and the said facts have been supported in the statements recorded before the Judicial Magistrate. Further submission is that both the petitioners have clean antecedent



and have been languishing in jail since 02.03.2022.

Sri Md Ataur Rahman and Sri Ram Chandra Sahni, learned APPs appearing for the State have opposed the prayer for bail.

In view of the above submissions and mainly considering the statements of the so-called victims who are stated to have been rescued from the orchestra company of the petitioners, recorded before the Judicial Magistrate, in which all the said girls have not supported the allegation made in the FIR and from perusal of the statements it does not appear that any type of wrong was committed with them by both the petitioners and at this stage the most important evidence which is the victim's own statements given before the Judicial magistrate go against the allegation made in the FIR, in the opinion of this Court both the petitioners deserve to a lenient approach of this Court.

Let both the petitioners be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 7th Addl. Sessions Judge-cum-Special Judge, POCSO, East Champaran, Motihari in Palanwa P.S Case No. 45 of 2022 on the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on their absence on two consecutive dates without sufficient



reason, their bail bond shall be cancelled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

The court below will verify the criminal antecedent of the petitioners but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioners is found then the court below shall take serious action against them for cancellation of their bail bond.

(Shailendra Singh, J)

s.hassan/-

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