

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29839 of 2021

Arising Out of PS. Case No.-29 Year-2020 Thana- MAHILA P.S District- West Champaran

MITHILESH SAH @ MITHILESH SON OF LATE GOPAL SAH R/O
VILLAGE- PIPRA CHOWK, SAHODARA, P.S.- SAHODARA, DISTRICT-
WEST CHAMPARAN.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suraj Narain Yadav, Adv.
Mr. Umesh Chandra Verma
For the Opposite Party/s : Mr. Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 17-02-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in virtual court
proceeding.

Let the defects, as pointed out by the office, be
removed within four weeks of start of normal functioning of the
physical court.

Petitioner seeks bail in connection with Bettiah Mahila
P.S. Case No. 29 of 2020 registered for the offences punishable
under Sections 364, 450, 506, 372, 373, 374, 120B, 376D, 376B
of the IPC, 3, 4, 5, 6, 7, 8 of the Immoral Traffic (Prevention)
Act, 1956, Section 4, 17 of POCSO Act and 75/81 of the
Juvenile Justice (Care and Protection of Children) Act.

According to prosecution case, co-accused Mala Devi



took the informant and her mother to her house where they found some suspicious persons present over there. It is further alleged that co-accused Mala Devi gave them food to eat and after consuming that food they became unconscious and when they regain their consciousness, they found themselves in an unknown room where sex racket was running. It is further alleged that they were sexually assaulted by unknown persons and they were compelled to do so and were threatened to not open her mouth anywhere. It is further alleged that an organized sex racket is going on by one Suresh Giri along with other accused persons. It is also alleged that co-accused Mala Devi and petitioner sold the informant and her mother for the purpose of flesh trade.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that some of the co-accused persons have been granted bail by this court as well as by co-ordinate Bench of this Court.

The learned Additional Public Prosecutor has vehemently opposed the prayer of bail by referring para 30 of the case diary in which statement of the victim has been



recorded under Section 164 Cr.P.C. where she supported the allegation as alleged in the FIR.

Considering the aforesaid facts and nature of the allegation, I am not inclined to enlarge the petitioner on bail and accordingly, the same stands rejected.

However, the learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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