

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45728 of 2021

Arising Out of PS. Case No.-167 Year-2021 Thana- MUFFASIL District- West Champaran

SONU @ SABAB ALAM Son fo Ajij Mansoori @ Ajij Miyan Resident of
Village- Vishunpura Chauriya Tola, P.S.- Jagdishpur (O.P.), District- West
Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate
Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Md. Aslam Ansari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-04-2022 Heard learned counsel appearing on behalf of the
petitioner and learned APP for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 05.03.2021, seeks
regular bail in connection with Bettiah Muffasil P.S. Case No.
167 of 2021 registered for offences punishable under Sections
372, 373, 374 of the Indian Penal Code, Section 3/4/5 of the
Immoral Traffic (Prevention) Act and Section 8 of the POCSO
Act.

Prosecution story in brief is that petitioner is running
a musical orchestra group and five minor girls have been
engaged by alluring them. Apprehension has been shown that



they will be forced in unlawful activities and on such allegations the FIR was registered.

Learned counsel appearing on behalf of the petitioner submits that there is direct allegation against co-accused Sandeep @ Sandeep Paswan, who runs Monika Orchestra. So far as the present petitioner is concerned, he is innocent and has falsely been implicated in the present case. He submits that the allegation made under Section 3/4/5 of the Immoral Traffic (Prevention) Act, 1956 does not apply in the present case. Allegations made in the FIR do not disclose any case under the said Act. He further submits that the victim girls, in their statement under Section 161 Cr.P.C. as well as Section 164 Cr.P.C. have not alleged any offence to have been committed under the POCSO Act. Though the victim girls are minor and they had joined the orchestra group on their own will without coercion or threat. Co-accused Sandeep @ Sandeep Paswan against whom similar allegation has been made has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 30.03.2022 passed in Cr. Misc. No. 57088 of 2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforesaid facts and circumstances of



the case and the allegations made in the FIR prima facie it appears that FIR does not disclose any offence to have been committed under Section 3/4/5 of the Immoral Traffic (Prevention) Act, 1956 nor the victim girls have made any allegation against the petitioner to attract POCSO Act. In want of any conscious physical contact or sexual assault, the petitioner who is in custody since 05.03.2021 is directed to be enlarged on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge VIth Cum Special Judge (POCSO), Bettiah, West Champaran in connection with Bettiah Muffasil P.S. Case No. 167 of 2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

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

(iv) If the petitioner is found involved in similar



nature of offence, after his release on bail, the trial Court shall
take steps to cancel his bail bond.

(Purnendu Singh, J)

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