

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36681 of 2022

Arising Out of PS. Case No.-1069 Year-2018 Thana- SITAMARHI District- Sitamarhi

Babar Khan Late Salim @ Chonchu Resident of village- Bohatola
Khajurbanni, Ward No.- 9, P.S.- and District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Adv. With Mr. N.K Agrawal, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s	:	Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 21-09-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Sitamarhi P.S. Case No. 1069 of 2018 lodged under Sections
363, 365, 370, 370A, 372, 373, 376, 120B/34 of the I.P.C.
Sections 3, 4, 5, 6 of Immoral Traffic Act. read with Sections 4
and 6 of POCSO Act and Section 75 of Juvenile Justice Act.

As per the prosecution case, the allegation of running
Chakla Ghar is against the informant from where one girl has
alleged to be recovered due to which the case has been filed
under I.P.C., Immoral Traffic Act, POCSO Act. as well as

Juvenile Justice Act.

Learned counsel for the petitioner submits that the mother of the petitioner has moved in criminal writ before this Hon'ble Court which is Annexure-2 by which the house which was seized has been released in her favour. Learned counsel for the petitioner further submits that from the entire F.I.R. there is nothing specific against the present petitioner. Save and except that one girl Mithilesh Kumari was alleged to be recovered from the *Chakla Ghar* of the present petitioner. Learned counsel for the petitioner further submits that one Billo Miya whose case is similarly situated of that present accused has been granted by the Co-ordinate Bench of this Court vide order dated 29.03.2022 passed in Cr. Misc. No. 42836 of 2021. Learned counsel for the petitioner further submits that petitioner is in custody since 02.03.2022 having clean antecedent. On the specific query that what is the date of cognizance, he submits that cognizance has taken place in this case on 11.09.2019 which is apparent from the order passed by the Special Judge POCSO Act annexed in this case. Learned counsel for the petitioner further submits that the present case is running before the Special Court POCSO and Section 35(2) of the Special Act categorically indicates the legislative intent, as per the said provision the Special Court

shall complete the trial as soon as possible within the period of one year from the date of cognizance of the offence.

Learned counsel for the State opposes the prayer for bail and submits that it is a case of POCSO and there is allegation against the present petitioner and recovery of one girl has taken place from *Chakla Ghar*.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge VI-cum-Special Judge POCSO, Sitamarhi in connection with Sitamarhi P.S. Case No. 1069 of 2018, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the

petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J)

prakashmani/-

U		T	
---	--	---	--