

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37227 of 2022

Arising Out of PS. Case No.-2 Year-2014 Thana- MAHILA P.S. District- Araria

1. SALMA KHATOON WIFE OF RAJJAK R/O VILLAGE- MOMIN TOLA ARARIA R.S. WARD NO.-03, P.S.- ARARIA R.S., DISTRICT- ARARIA
2. NASEEBAN WIFE OF FARID ANSARI R/O VILLAGE- MOMIN TOLA ARARIA R.S. WARD NO.-03, P.S.- ARARIA R.S., DISTRICT- ARARIA
3. MD. SAHNABAZ @ PACHHU ANSARI @ PACHU SON OF MD. YUSUF R/O VILLAGE- MOMIN TOLA ARARIA R.S. WARD NO.-03, P.S.- ARARIA R.S., DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.Rajesh Kumar

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 27-09-2022 Learned counsel for the petitioners is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

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

The petitioners have preferred this application for grant of regular bail in a case registered under sections 366A, 370C, 376 and 120B read with 34 of the Indian Penal Code and Sections 3, 4, 5 and 6 of the Prevention of Immortal Traffic Act.

As per the prosecution case, the informant was married to Md. Shamim about two years back. Her husband went to Bombay. While she was at her house, then her husband



came with the petitioners and others in the night and just after mid-night she woke up and she was carried to different places by her husband and others including co-accuseds. She was forced to enter into flesh trade.

Learned counsel for the petitioners has submitted that the petitioners are innocent and have falsely been implicated in this case. Nothing has been recovered from the possession of the petitioners. It is a case of first misuse of privilege of bail by the petitioners and the petitioners undertake to do proper pairvi in future. The petitioner no. 1 and no. 2 are ladies. The petitioners have clean antecedent as stated in para 3 of the bail petition. The bail bond of the petitioners were cancelled on 29.03.2022 but the petitioners surrendered before the court on 02.06.2022.

Learned A.P.P. for the State has opposed the bail petition of the petitioners and has submitted that the petitioner no. 3 did not obey the direction of Hon'ble High Court passed in Cr. Misc. No. 17099 of 2014. As per the impugned order, five witnesses out of seven witnesses have been examined in this case. Charge-sheet has already been submitted.

Considering the aforesaid facts and circumstances, the petitioners above-named, are directed to be enlarged on bail



on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of learned Araria, in connection with S.T. No. 630 of 2014 arising out of Araria Mahila P.S. Case No. 2 of 2014, with a condition:-

1. One of the bailors shall be a close relative of the petitioner who shall give genealogy as to how he is related to the petitioner.

2. The petitioners are directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond.

The application stands allowed.

(Chandra Prakash Singh, J)

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