

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49451 of 2021**

Arising Out of PS. Case No.-366 Year-2021 Thana- MAJHAULIA District- West Champaran

AAKASH MALHOTRA @ HARESHWAR BHAGAT Son of Kameshwar
Bhagat Resident of Village - Baghambarpur, P.S.- Majhulia, Distt.- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 27-01-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Majhulia P.S. Case No. 366 of 2021 instituted for the offences
under Sections 346, 363, 366A, 370A, 371, 372, 373, 354,
354(B), 506/34 of the Indian Penal Code, Sections 3, 4, 5, 6, 7,
8 of the Immoral Traffic (Prevention) Act, Sections 8, 12, 17 of
the Protection of Children from Sexual Offenses Act, 2012 and
Section 75 of the J.J. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 03.07.2021, charge-sheet has been
submitted and has antecedent of two cases as mentioned in para



3 of the bail application.

Learned counsel for the petitioner submits that the informant alleges that with the help of Majhaulia Police Station six girls (victim) were set free from an orchestra group on 01.07.2021, five of the victim-girls were working with new Anjali Orchestra Group and one minor, aged about 17 years, was working in Payal Orchestra Group.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. Petitioner is the owner of Anjali Orchestra Group and there is nothing in the FIR to even remotely suggest that any complaint was made by the victim against the petitioner. Further all the five victims were major and they on their own volition had chosen their profession without any coercion or force. Learned counsel further submits that as far as it is alleged that one of the girls was minor, aged about 17 years, i.e. merely a speculation of the informant and even assuming what is alleged is true then also she had reached the age of discretion and thus was free to take decision.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody,



charge-sheet has been submitted and no allegations have been alleged by the recovered victims against the petitioner as submitted by the learned counsel for the petitioner, let the petitioner above named be released on bail on furnishing bail bond of Rs.25,000/- (Rupees Twenty-Five Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO-cum-Additional Sessions Judge-VI, Bettiah, West Champaran in connection with Majhaulia P.S. Case No. 366 of 2021, with condition that one of the bailors shall be the father (Kameshwar Bhagat) of the petitioner.

(Satyavrat Verma, J)

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