

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42579 of 2022

Arising Out of PS. Case No.-85 Year-2022 Thana- SONBERSA District- Sitamarhi

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BIGAN RAI Son of Rampat Rai @ Paspat Rai Resident of Village -
Kachharipur, P.s.- Sonarsa, Distt.- Sitamarhi (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Smiti Bharti, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 30-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Sonbarsa
P.S. Case No. 85 of 2022 registered for the offence under
Sections 370(5), 374 and 363 of the Indian Penal Code, under
Section 3 and 14 of the Child and Adolescent Labour
(Prohibition and Labour) Act and under Section 75 and 79 of the
Juvenile and Justice Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.04.2022.

The allegation against the petitioner is to kidnap two



minor son of the informant, for the purpose of unlawful compulsory labour in Punjab and also alleged thereof human trafficking of minor .

Learned counsel appearing on behalf of the petitioner submitted that petitioner only allowed to accompany minor sons of the informant to go for Sidhima Gaon at Jalandhar in Punjab, where father of victims was also working. It is submitted that informant and petitioner belong to the same village and he gave Rs. 1000/- as temporary loan for procuring the railway tickets and not as any payment to obtain the consent, which is one of the the essential ingredient to cover allegation of human trafficking. It is further submitted that both victims safely returned their village after getting permission from their employer. It is categorically submitted that petitioner involved in one criminal case of excise, where he is on bail. While concluding the argument, it is submitted that investigation in this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence..

Learned APP appearing on behalf of the State opposes the prayer of bail.

Considering the facts and circumstances as mentioned



above, as thrust of allegation appears, *prima facie*, regarding unlawful compulsory labour coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Sonbarsa P.S. Case No. 85 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi/concerned court, subject to the following conditions:

“(i) If, on verification, petitioner found involved in any case except Sonbarsa P.S. Case No. 155 of 2018, his bail bond shall not be accepted by the learned Trial Court.

“(ii) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the learned Trial Court itself for the cancellation of bail bond of the petitioner.

(iii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the



learned Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the learned Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iv) That one of the bailors shall be Bij Kumar, who is the Brother of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

R.S.Sen/-

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