

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43218 of 2022

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

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FIROJ ANSARI @ FIROJ KHAN @ FIROJ Son of Billo Khaliffa Resident
of Village - Bohatola Khajurbanni , Ward No.9, P.s and Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.

Mr. Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr. Nand Kishor Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 22-11-2022 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

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

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

As per prosecution case, one victim girl was
recovered from the house of the petitioner with objectionable
items. It is further alleged that petitioner and others were forced to
do prostitution work.



Learned counsel for the petitioner submits that petitioner is in custody since 03.09.2021. Petitioner bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Co-accused Babar Khan, Billo Mian @ Billo Khalifa, Firoja Khatoon @ Chunni Khatoon on similar allegation have already been granted bail vide Cr. Misc. No. 36681 of 2022, 42836 of 2021 and 47166 of 2021 respectively by co-ordinate bench of this court. Learned counsel for the petitioner further submits that all the victims were examined by the doctor and all the victims were found to be major.

The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused persons have already been granted bail by co-ordinate bench of this court, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, as submitted, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional



District and Sessions Judge VI cum Special Judge POCSO,
Sitamarhi in connection with Sitamarhi P.S. Case No. 1069 of
2018, subject to following conditions:-

(i) The petitioner shall support in trial and shall
appear physically before the trial 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.

(ii) One of the bailors shall be close relative who
shall file affidavit before the court about his relationship with the
petitioner.

(iii) 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.

(Alok Kumar Pandey, J)

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