

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58280 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- SAMSTIPUR RAIL P.S District-
Samastipur

Manjay Kumar Paswan @ Manjay Paswan S/O Bharat Paswan R/O Chhapra
Chandauli, Ward No. 14, P.S.-Ujiyarpur, District- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad

For the Opposite Party/s : Mr. Binod Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 12-04-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be removed within four weeks of start of normal functioning of the physical court.

Petitioner seeks bail in a case registered for the offences punishable under Sections 370/34 of the Indian Penal Code and Section 79 of Juvenile Justice (Care and Protection of Children) Act and 3/4 of Child Labour (Prohibition and Regulation) Act.

According to prosecution case, one Sone Lal Thakur, the informant gave his written application to the S.H.O. on 28.06.2021 with regard to an incident of same day alleging therein that on the day and time a joint drive was made by child line, G.R.F. and R.P.F. to protect the trafficking of children from



the traffickers and during search two traffickers were alongwith 9 minor child were apprehended. It is further alleged that three children were found at platform no.6 and six children were found at platform no.5, who were on journey to Delhi, Bhatinda, Muradabad from Samatipur to destination by Awadh Assam Express.

Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that no minor child has been found from the possession of the petitioner, rather the police has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Vinod Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 07.04.2022 passed in Cr. Misc. No. 55348 of 2021. The petitioner is in custody since 29.06.2021.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Court below where the case is pending in connection with Rail GRP/SpJ P.S. Case No. 60 of 2021, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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