

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46713 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- CHIRAIYA District- East Champaran

MD. LALBABU Son of Late Sahabuddin @ Sahbudin R/V- Chiraiya Bazar,
P.S- Chiraiya, Dist- East champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 47496 of 2022

Arising Out of PS. Case No.-289 Year-2022 Thana- CHIRAIYA District- East Champaran

LAVKUSH KUMAR S/O LATE RAM BALAK RAY Resident of village-
Ahirauliya, Ward No- 10, P.S.- Chiraiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 46713 of 2022)

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

For the Opposite Party/s : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 47496 of 2022)

For the Petitioner/s : Mr. Vijay Kr Singh No. 1, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-12-2022

IN CR. MISC. NO. 46713 OF 2022

Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Chiraiya
P.S. Case No. 289 of 2022 registered for the offence under
Sections 346, 367, 372(II) (III), 373, 506 and 509 of the Indian
Penal Code, Section 8 of POCSO Act, Sections 3, 4, 5 and 6 of



the Immoral Trafficking (Prevention) Act, Sections 79 and 75 of J.J. Act, 2015 and Sections 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976.

The accused/petitioner is named in the F.I.R. and is in custody since 29.06.2022.

The allegation against the petitioner is to involve in sale and purchase of minor girls and to involved in immoral practice under the garb of Orchestra company, running in name and style of M/s. Super Samir Musical Orchestra and Jagran Group.

Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case and is innocent person for the reason that he was giving his service in orchestra company, as driver. It is also pointed out that no incriminating material surfaced, during course of investigation and also from the statement of victim recorded under Section 164 of the Cr.P.C., which may suggest allegations of sexual assault and involvement of this petitioner in sale and purchase of minor girls for the purpose of immoral practice. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-



sheet has already 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 petitioner appears to be the driver of the orchestra company, having no allegation of sexual assault, where, petitioner is in custody since 29.06.2022 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 Chiraiya P.S. Case No. 289 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

IN CR. MISC. NO. 47496 OF 2022

Heard learned counsel appearing on behalf of the petitioner and learned counsel appearing on behalf of the State.

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

The petitioner seeks bail in connection with Chiraiya



P.S. Case No. 289 of 2022 registered for the offence under Sections 346, 367, 372(II) (III), 373, 506 and 509 of the Indian Penal Code, Section 8 of POCSO Act, Sections 3, 4, 5 and 6 of the Immoral Trafficking (Prevention) Act, Sections 75 and 79 of J.J. Act, 2015 and Sections 16, 17, 18 of Bonded Labour System (Abolition) Act, 1976.

The accused/petitioner is named in the F.I.R. and is in custody since 29.06.2022.

The allegation against the petitioner is to involve in sale and purchase of minor girls and to involved in immoral practice under the garb of Orchestra company, running in name and style of M/s. Super Samir Musical Orchestra and Jagran Group.

Learned counsel appearing on behalf of the petitioner submitted that petitioner is running orchestra company, where, alleged victim girls, voluntarily offered their service, after due permission of their parents. It is submitted that matter is purely related with performance of arts of alleged minor and have nothing to do with immoral practices, as alleged, which also gets its strength from the statement of victim girls, while recording their statement under Section 164 of the Cr.P.C., denying allegation of any sexual assault and involvement of this



petitioner. It is also pointed out that petitioner is involved in two other criminal case, where, he is on bail. While concluding the argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has already 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 and by taking note of submission of victim girls, as recorded under Section 164 of the Cr.P.C., denying sexual assault where, petitioner is in custody since 29.06.2022 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 Chiraiya P.S. Case No. 289 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 6th Additional Sessions Judge-cum-Special Judge, POCSO, Motihari, East Champaran/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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