

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47886 of 2022

Arising Out of PS. Case No.-361 Year-2021 Thana- BALIYA District- Begusarai

Tunna Khalifa Son of Late Ishwar Khalifa Resident of village - Sati Chaura,
P.S.- Balia, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. P.K. Sahi, Sr. Advocate Mr. Pushpendra Kumar Singh, Advocate Smt. Durga Bharti, Advocate
For the Opposite Party/s :		Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 03-11-2022 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 Balia P.S.
Case No. 361 of 2021 registered for the offence under Sections
346, 366(A), 367, 370, 370(A), 371, 372, 373, 376, 120(B) and
34 of the Indian Penal Code, under Sections 03, 05, 06, 07 and
08 of the Immoral Traffic Act, under Sections 04, 06, 12 and 17
of the POCSO Act and under Sections 75 and 79 of the Juvenile
Justice Act.

The accused/petitioner is not named in the F.I.R. and
is in custody since 15.07.2022.



The allegation against the petitioner is to involved in human trafficking and, as such, purchased minor girl for the purpose of prostitution alongwith other co-accused persons, where allegation of rape also raised through F.I.R.

Learned senior counsel, Mr. P.K. Sahi, appearing on behalf of the petitioner submitted that the petitioner is not named in F.I.R. for the simple reason that nothing incriminating stated by the minor victim against petitioner, recovered during the course of police raid. It is further submitted that the petitioner implicated in present case only for the reason that he is the son of the main accused, namely, Ishwar Khalifa. It is further submitted that the victim is about major, as per medical report and she willingly adopt immoral practice. It is also submitted that the person, who was arrested with victim on raid, has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 14226 of 2022 vide order dated 14.07.2022. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail



submitted that the petitioner has been named in the statement of victim recorded under Section 164 of the Cr.P.C.

Considering the facts and circumstances as mentioned above, and by taking a contradictory note of statement of victim, which is the part of F.I.R., *qua*, statement as available under Section 164 of the Cr.P.C. 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 Balia P.S. Case No. 361 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Judge, POCSO Act-cum-Additional District and Sessions Judge-VI, Begusarai/concerned court, subject to the following conditions:

“(i) That the accused/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 Trial Court itself for the cancellation of bail bond of the petitioner.

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



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

(iii) That one of the bailors shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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