

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58489 of 2021

Arising Out of PS. Case No.-71 Year-2021 Thana- SONPUR RAIL P.S. District- Saran

Md Sazzad Hussain S/o Md Fakruddin Resident of Village - Lohzar, P.S. -
Kengarh, Dist. - Purnia.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick

For the Opposite Party/s : Mr.Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-04-2022 Let the defects, if any, be removed within four weeks
from today.

Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner seeks bail in a case registered in connection
with Sonapur (Hajipur) Rail P.S.Case No. 71 of 2021 for the
offences punishable under Sections 370/34 of the Indian Penal
Code and 79 of the J.J.Act and 3/14 of the Child Labour Act.

As per the prosecution case, it is alleged that police
has recovered 29 children, who were being taken to U.P and
Panjab for child labour. It is further alleged that in the train 9
trafficker including this petitioner were also arrested.

Learned counsel for the petitioner submits that
petitioner is employed in Jamia Akhlaqul Uloom at Muradabad



in UP and two children was accompanying with this petitioner who are alleged to have been recovered from his custody. It is next submitted that father of the children namely, Md. Shahnawaj Alam and Md. Sohel file affidavit and denying the allegation that the children was sent for child labour rather they have been sent for education along with the petitioner. The affidavits filed by the respective fathers are annexed as Annexure -2 series to this petition. It is further submitted that petitioner was a bona fide passengers and travelling on a train with valid tickets along with two children, who are alleged to have been recovered with the petitioner and this petitioner has no criminal antecedent and he is in custody since 06.08.2021. It is also submitted that petitioner has no concerned with the traffickers and other children, who were recovered from train.

The learned A.P.P opposed the prayer for bail of the petitioner and submits that large number of children were recovered from a train and was being taken to different places for child labour.

Having heard the rival contentions of the parties and taking into consideration the fact that, father of the children filed affidavits denying the allegation of child labour, let the petitioner, above named, be released on bail on furnishing bail



bonds of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur in connection with Sonapur (Hajipur) Rail P.S.Case No. 71 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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