

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59424 of 2021

Arising Out of PS. Case No.-120 Year-2021 Thana- TATARPUR District- Bhagalpur

KAHKASHAN KHANAM Wife of Md. Tabrej Khan @ Sahil Khan Resident
of Mohalla - Jabbarchak Nr. Imambada, P.S. - Tatarpur, Distt. - Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agarwal, Sr. Adv. Mr.Pravin Kumar Sinha, Adv.
For the Opposite Party/s :		Ms. Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-03-2022 Heard the learned Senior Counsel for the petitioner, Sri N.K.Agarwal and the learned APP for the State, Ms. Anita Kumari Singh.

The petitioner seeks regular bail in connection with Tatarpur P.S. Case No. 120/21 (G.R.No. 2732/21), registered for the offence punishable under Sections 370, 370(a), 120(B)/34 of the Indian Penal Code and Sections 3, 4, 5, 6, 7 of the Immoral Traffic (Prevention) Act, 1956.

The allegation is regarding the police having received secret information that the husband of the petitioner was running a flesh trade at his house, whereafter a raid was conducted and from



one room, one person along with one girl were found in compromising position while the husband of the petitioner was in another room.

The learned Senior Counsel for the petitioner, Sri N.K.Agarwal, has submitted that the petitioner is innocent, she has been falsely implicated in the present case, she is having a clean antecedent and she is languishing in custody since 2.7.2021. The learned Senior Counsel for the petitioner has submitted by referring to the impugned order dated 14.9.2021 that a bare perusal of the same would show that the statement of the girl 'X' was recorded before the learned Magistrate under Section 164 Cr.P.C. in which she has stated that the husband of the petitioner had called her on mobile to his house whereafter she was kept in a room in which one person was already present since before. It is further submitted that the petitioner has not been arrested from the spot and at best, the main accused in the present case can be stated to be the husband of the petitioner, who is



already in custody.

Per contra, the learned APP for the State, Ms. Anita Kumari, has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the petitioner and taking into account the materials available on record as also considering the fact that even according to the arguments advanced by the learned Senior Counsel for the petitioner, the husband of the petitioner appears to be the main accused in the present case and the petitioner has admittedly not been arrested from the place of occurrence, apart from the fact that she is having a clean antecedent and she is languishing in custody since about eight months, I deem it fit and proper to direct for release of the petitioner on regular bail.

Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with



two sureties of the like amount each to the satisfaction of learned ACJM, 7th, Bhagalpur in connection with Tatarpur P.S. Case No. 120/21.

(Mohit Kumar Shah, J)

Ajay/-

U		T	
---	--	---	--

