

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60770 of 2021

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

MD. PARWEJ ALAM S/o Razzak R/o village- Barichatar, Ward No.- 3, P.S.-
Falka, District- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghvendra Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Vinod Shanker Modi, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 22-04-2022 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The application for grant of bail to the petitioner, above named, who has been made accused and put behind the bar in connection with Sonapur (Hajipur) Rail P. S. Case No. 71 of 2021 registered for the offences punishable under Section 370/34 of the Indian Penal Code, Section 79 of the Juvenile Justice (Care and Protection of Children) Act and Section 3/4 Child Labour (Prohibition and Regulation) Act, 1986.

As per the prosecution case, it is alleged that on



04.08.2021, during the course of checking of train, 29 children were recovered, who were being taken to other State for child labour/human trafficking. It is further alleged that in the same train nine traffickers were also arrested including this petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is not a child trafficker rather he is a student, who was going to Muradabad along with the co-accused, namely, Md. Sazzad Hussain for higher education and he has no connection with any other persons, who have been named in the F.I.R., in support of his submission, he has also brought on record the affidavit of his father as containing in Annexure 2 to this application. It is further submitted that no incriminating material has been recovered from the possession of this petitioner and moreover, the other co-accused persons, who have been named in the F.I.R. as traffickers, have already been granted bail by this Court in Cr. Misc. No. 58489 of 2021 and Cr. Misc. 62725 of 2021 vide orders dated 08.04.2022 and 19.04.2022 respectively. It is next submitted that the petitioner having clean antecedent and he is in custody since 06.08.2021 and moreover, the investigation has already been concluded and charge-sheet has been submitted in this case.



On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is found to be indulged in human trafficking/child labour.

Having heard the submissions made on behalf of the parties and taking into consideration the fact that the father of the petitioner filed an affidavit stating therein that he was going along with the co-accused, Md. Sazzad Hussain for higher studies, apart from the fact that the other co-accused persons have already been granted bail and this petitioner having clean antecedent and he is in custody since 06.08.2021, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Railway Judicial Magistrate, Sonapur (Saran) 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 relative 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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