

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62262 of 2021**

Arising Out of PS. Case No.-598 Year-2021 Thana- SITAMARHI District- Sitamarhi

NAFISA KHATOON @ NATISA KHATOON Wife of Manjoor Khalifa
Resident of Village - Boha Tola, P.S. Sitamarhi, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.N.K. Agarwal, Sr. Advocate
	:	Mr.Pushpendra Kumar Singh, Advocate
	:	Ms.Divya Bharti, Advocate
For the Opposite Party/s	:	Mr.Bharat Bhushan, APP
For the Informant	:	Mr.Sambhav Gupta, Advocate

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 23-03-2022 Heard Shri N.K. Agarwal, learned senior counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 363, 365, 366(A), 370, 370(A), 372, 373 376, 120(B) and 34 of the Indian Penal Code read with Sections 3, 4, 5 and 6 of the Immoral Traffic Prevention Act, 1956, Sections 4 and 6 of the POCSO Act and Sections 75 and 79 of the Juvenile Justice Act.

Learned senior counsel for the petitioner submits that the petitioner is in custody since 30.07.2021, charge-sheet has been submitted in the case and has antecedent of one case.



Learned senior counsel for the petitioner submits that the informant alleges that on receiving secret information regarding immoral trafficking at Boha Tola, the place was raided and house of Manjoor, Kiran, Sahnaj, Meena and Pinki were surrounded. It is further alleged that on seeing the police some female and male persons started fleeing who were apprehended and disclosed their name as Heena, Meena, Payal, Juveda, Salma, Dilip, Mushtaque, Aaryan and Umesh and further from the house of Kiran, one minor aged 15 years was recovered and accordingly Kiran and Md. Talim were arrested from the said house and some objectionable materials were also recovered. Further, it is alleged that from house of Manjoor Khalifa, two victims were recovered and during search Md. Yusuf, Laddu and Nafisa Khatoon (petitioner) were arrested and some objectionable materials were found and from the house of Sahnaj, one victim was recovered and from the house of Pinki and Meena also one victim each were recovered and one customer, Md. Talim was arrested. Further, the victim disclosed that they were forced in flesh trade.

Learned senior counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and from bare perusal of the allegation as alleged in the F.I.R. it



would manifest that except that she is wife of Manjoor Khalifa and was arrested from his house, there is nothing against her. Learned senior counsel further submits that though in the F.I.R. it is alleged that the recovered girls were minor but that is only in realm of allegation without any documentary evidence on record. Learned senior counsel further submits that if what has been alleged in the F.I.R. is true then definitely the victims must have been kidnapped from their parental homes but the F.I.R. does not even remotely suggest that any F.I.R. or case regarding the missing or kidnapping of the victim were ever instituted. It is thus submitted that the victims are major and on their own volition, they have chosen this trade and the reason may be ignominy.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioner. Learned counsel for the informant submits that this petitioner also has antecedent of one case and after release she is again indulging in such activities. Learned counsel further submits that whether the victims are minor or major, is still to be adjudicated but the police finding the case prima facie to be true has filed charge-sheet, but the learned counsel for the informant is not in a position to rebut the submission of the learned senior



counsel for the petitioner that if the girls were forced into flesh trade or were kidnapped from their respective homes then why no F.I.R. with regard to the same was instituted or why such facts did not transpire during the course of investigation.

Considering the fact that the petitioner is in custody, charge-sheet has been submitted in the case and in the nature of allegation as alleged, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Sitamarhi P.S. Case No. 598 of 2021. The petitioner shall be released after framing of charge.

(Satyavrat Verma, J)

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