

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62615 of 2021

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

1. JUBAIDA KHATOON @ JUBEDA KHATOON W/o Md. Gulsher Resident of Village - Marchaie patti, P.s.- Sitamarhi Town, Dist.- Sitamarhi.
2. Payal Khatoon @ Payal W/o late Lal Mahto Resident of Village - Marchaie patti, P.s.- Sitamarhi Town, Dist.- Sitamarhi.
3. Md. Dilip Son of Prabhu Sah Resident of Village - Marchaie patti, P.s.- Sitamarhi Town, Dist.- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Sambhav Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-03-2022 Heard learned counsel for the petitioners, learned counsel for the informant and learned A.P.P. for the State.

The petitioners seek 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 counsel for the petitioners submits that the petitioners are in custody since 30.07.2021, are persons with clean antecedent and charge-sheet has been submitted in the



case.

Learned counsel for the petitioners 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 (petitioner no.2) Jubaida (petitioner no.1), Salma, Dilip (petitioner no.3) 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 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 victims disclosed that they were forced in flesh trade.

Learned counsel for the petitioners submits that the



petitioners have been falsely implicated in the present case, the petitioners were apprehended based on suspicion and there is nothing against them in the F.I.R. It is further submitted 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 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 submits that as far as petitioners are concerned, they are only alleged to have fled after seeing the police force though they do not have any concern with the alleged flesh trade.

Learned counsel for the informant and learned A.P.P. for the State vehemently oppose the prayer for bail of the petitioners. Learned counsel for the informant 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 counsel for the petitioners 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 petitioners are in custody, are persons with clean antecedent, charge-sheet has been submitted in the case and in the nature of allegation as alleged, the petitioners above named are directed to be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) each 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 petitioners shall be released after framing of charge.

(Satyavrat Verma, J)

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