

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62998 of 2021

Arising Out of PS. Case No.-152 Year-2021 Thana- BARGAINIA District- Sitamarhi

=====

Dharmendra Kumar Pal, Son Of Shankar Prasad Pal, Resident of Village-
Harnathpur, Ward No.- 11, P.S.- Pakridayal, District- East Champaran
(Motihari)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Gopal Govind Mishra, Advocate
For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 13-07-2022 Heard learned senior counsel for the petitioner and
learned APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from the date of
resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in
connection with Bairganja P.S. Case No. 152 of 2021 registered
for the alleged offences under Section 370, 371 of the Indian
Penal Code and Section 14 (I) of Child Labour Act, 1986 and
Section 79 of J.J. Act, 2015.

The prosecution case is that the petitioner had been
trafficking nine minor children to Nepal for the purpose of
labour work.



Mr. N.K. Agrwal, learned senior counsel appearing on behalf of the petitioner submits that no case under Section 370 or 371 is being made out from the facts of the present case. Similarly, there will be no application of Section 79 of Juvenile Justice (Care and Protection of Children) Act, 2015. In fact, the children were with their fathers and they were going to Nepal for visiting Janki Temple, so there is no question of smuggling of children. Apart from that, Section 14 (i) of Child Labour Act is bailable. The family members of the children have filed affidavits before the court of learned Chief Judicial Magistrate, Sitamarhi stating that the petitioner is innocent and children were being taken to Janki Temple and they have no complaint against the petitioner. The petitioner is in custody since 06.08.2021.

Learned APP opposes the prayer for bail submitting that minor children were being smuggled to Nepal by this petitioner and the witnesses in the case diary have supported the fact.

Perused the records.

Having regard to the submissions made hereinabove and considering the fact that the allegation is only that of taking children for child labour and further considering the period of



his custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Sitamarhi in connection with Bairgania P.S. Case No. 152 of 2021, subject to the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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

(Arun Kumar Jha, J)

