

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62725 of 2021

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

1. Md. Ansarul, S/o Md. Kalimuddin, R/o Village- Shikarpur, P.S. - Abadpur, District- Katihar.
2. Md. Kareem @ Md. Abdul Kuem, S/o Abdul Rahman, R/o Village- Shikarpur, P.S. - Abadpur, District- Katihar.
3. Md. Mujamil Haque @ Md. Mujalim Haque, S/o Majibur Rahman, R/o Village- Suko Tola, Ward No. -7, P.S. - Raiganj, District- Uttar Dinajpur (W.B.).
4. Mansur Alam, S/o Md. Soniya, R/o Village- Jawadpur, P.S.- Awadpur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah, Advocate
For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 19-04-2022 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

The petitioners seek bail, who are in custody in connection with Sonapur (Hajipur) Rail P.S. Case No. 71 of 2021 for the offences punishable under Sections 370/34 of the Indian Penal Code, Section 79 of the Juvenile Justice Act and Section 3/4 of the Child Labour Act.

As per prosecution case, it is alleged that on 04.08.2021 in course of checking of different trains at Hajipur Railway Station, Rail police recovered 29 minor children, who



were being taken to other State for child labour. It is also alleged that nine traffickers including these petitioners were also apprehended by the Rail police.

It is submitted on behalf of the petitioners that the petitioners have been apprehended merely on the basis of suspicion, though they were the bonafide passengers of the train having valid tickets. It is further submitted that not even a single parent or any independent witness has come to support the allegation that the petitioners were accompanied the children for employment as child labour. It is further submitted that even the statement of the victims/ minor childrens has not been recorded. During the course of argument, learned counsel for the petitioners has also filed a supplementary affidavit bringing on record that along with all the four petitioners, six minor children were accompanied, but all of them were sent by their respective parents for their better education in other State and in support of the submissions, affidavits have been brought on record, duly sworn by their respective parents/guardians. It is next submitted that one of the co-accused, namely, Md. Sazzad Hussain, having identical allegation, has already been granted bail by this Court in Cr. Misc. 58489 of 2021 vide order dated 08.04.2022. It is lastly submitted that the petitioners have no criminal antecedent



and they are in custody since 06.08.2021, apart from the fact that the investigation has already been concluded and the charge-sheet has been submitted in this case.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that there is serious allegation of trafficking of minor children for child labour and other illegal purposes.

Having considered the submissions made on behalf of the parties and taking into consideration this fact that there is no allegation levelled by any of the parents/guardians of the children, rather affidavits have been filed by the guardian/parents of the children that they sent their children along with the petitioners for their better education, apart from the fact that investigation has already been completed and the charge-sheet has been submitted in this case and these petitioners have no criminal antecedent and, moreover one of the co-accused has already been granted bail by this Court, let the petitioners, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Magistrate, Sonapur 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 relatives of the petitioners with further conditions which are as follows:-

(i) The petitioners will cooperate in conclusion of the trial. (ii) They will remain present on each and every date of trial till disposal of the case. (iii) They 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, their bail bonds will liable to be cancelled.

(Harish Kumar, J)

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