

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64320 of 2021**

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

KIRAN KHATOON WIFE OF JAHIR MIYAN R/O VILLAGE - BOHA
TOLA, WARD NO. 9, P.S. AND DISTRICT- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Jha, Advocate
For the Informant	:	Mr. Sambhav Gupta, Advocate
For the Opposite Party/s	:	Mr. Satyendra Narayan Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 30-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

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)/34 of the Indian Penal Code,
Sections 3, 4, 5, 6 of the Immoral Traffic Act, Sections 4, 6 of
the Protection of Children from Sexual Offenses Act, 2012 and
Sections 75 and 79 of the J.J. Act.

Learned counsel for the petitioner submits that the
petitioner is in custody since 30.07.2021, charge-sheet has been
submitted and is a person with clean antecedent and is a woman.

Learned counsel for the petitioner submits that the



informant alleges that the petitioner is entrenched in flesh trade and for that purposes, minor girls have been kidnapped from different areas of Bihar and other parts of the country and from the house of Meena Khatoon, this petitioner and other accused persons, several minor victims were recovered who disclosed that the accused persons forcefully make them indulge in flesh trade.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and in the FIR, it is alleged that petitioner was also one of the persons who was apprehended from the place of occurrence. Learned counsel further submits that if what has been alleged is true in the FIR then definitely FIR relating to the kidnapping of the victim must have been instituted either by the parent or by the family member but the FIR is completely silent in that respect which amply demonstrates that the victim on her own volition were participating in the flesh trade and when they were arrested they came with a false story implicating the accused person. Learned counsel further submits that though in the FIR, it is alleged that the victim was recovered from the house of the petitioner but the victim in her statement made under Section 164 Cr.P.C. has not even remotely suggested the name of this



petitioner which further falsify the prosecution case. Learned counsel for the petitioner further submits that co-accused Meena Khatoon and Heena Khatton have been granted bail by order dated 15.02.2022 in Cr. Misc. No. 53852 of 2021, Nafisa Khatoon has been granted bail by order dated 23.03.2022 in Cr. Misc. No. 62262 of 2021, with condition that petitioner will be released after framing of charge, Umesh Rai has been granted bail by order dated 15.02.2022 in Cr. Misc. No. 53900 of 2021 and Md. Yusuf @ Md. Yusuf Azad has been granted bail by order dated 22.02.2022 in Cr. Misc. No. 54829 of 2021. Learned counsel further submits that all the co-accused have been granted bail without condition, except Nafisa Khatoon as aforesaid. Learned counsel further submits that since the victim has not named the petitioner in her statement under Section 164 Cr.P.C., as such, the case of the petitioner is on a much better footing than that of Nafisa Khatoon.

Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for regular bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner as the victim has not taken the name of the petitioner in her statement under Section 164 Cr.P.C.



Considering the fact that the petitioner is in custody since 30.07.2021, is a person with clean antecedent, charge-sheet has been submitted, is a woman and the victim has not taken the name of the petitioner in her statement under Section 164 Cr.P.C., the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sitamarhi P.S. Case No. 598 of 2021.

(Satyavrat Verma, J)

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