

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71884 of 2021

Arising Out of PS. Case No.-437 Year-2021 Thana- PURNEA SADAR District- Purnia

Birendra Kumar @ Birendra Kumar Sah S/o Late Prabhu Dayal Sah R/o
village- Mahalbari, P.S.- Dagarua, District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Satyendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-10-2022 Heard learned 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.

In the present case, the petitioner seeks bail in
connection with Sadar P.S. Case No. 437 of 2021 registered for
the alleged offences under Sections 341, 342, 366(A), 367, 370,
370(a), 370(5), 371, 372, 373, 376 and 120(B) of the Indian
Penal Code and Sections 3, 4, 5, 6, 7, and 9 of I.T. P. A. Act and
Sections 75, 81 and 84 of the J.J. Act 2015 and Sections 3, 5, 6,
7, 8, 9, 10 of the POCSO Act.

As per prosecution case, police conducted a raid in
red light area on receiving information about flesh trade and
minor girls being used in it. During one such raid, this petitioner



who is stated to be a customer was found in objectionable condition with one minor girl in the house of the co-accused. In a number of raids conducted other minor girls and co-accused persons were also arrested from different places. Some used and unused condoms were also recovered from the place from where the petitioner was apprehended.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The petitioner was apprehended under some misconception as he was going towards the market and while he was crossing the road, the police was chasing some persons and they apprehended the petitioner merely on suspicion. The petitioner has no concern at all with the alleged victim girl or the co-accused Sikandar Khalifa or other co-accused persons. The alleged victim girl was medically examined and doctor assessed her age to be above 20 years and no evidence of any sexual or physical assault was found at the time of examination, though, it was said possibility could not be ruled out. The statement of the victim girl was recorded under Section 164 Cr.P.C. and she did not name the petitioner for any wrong doing. Rather, she stated that she used to do some menial jobs and was returning after such work and she was apprehended by the



police on her way to her home. The victim girl has not supported the prosecution story. Charge sheet has been submitted in this case and the petitioner is in custody since 29.08.2021. The petitioner has got clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the facts and circumstances and submission made on behalf of the parties and further considering the statement of the victim girl and her medical examination along with the period of custody and submission of charge sheet and his clean antecedent, 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 6th Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Sadar P.S. Case No. 437 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also 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 on 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.

(Arun Kumar Jha, J)

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