

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.527 of 2022

Arising Out of PS. Case No.-1 Year-2018 Thana- BAKHARI District- Begusarai

Rahul Khalipha, S/O Ashok Khalipha R/O Village- Nadail Ghat, Mirkallapur,
P.S.- Bakhri, District- Begusarai

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Divya Bharti
		Mr. Pushpendra Kumar Singh
For the Opposite Party/s	:	Mr. Jagdhar Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 03-08-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in anticipation of his arrest in
a case registered for the offences punishable under Sections 366,
372, 373 of the Indian Penal Code and Section 6 of the Immoral
Traffic (Prevention) Act, 1956.

The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that his daughter was married to Upendra
Ram and thereafter, he went to Haryana for work and when he
returned his home from work, he found that his daughter and her
05 years old son were missing. It is next alleged that since the
informant is an illiterate, hence he could not report. It is further



alleged that on 03.01.2018 when informant was searching for his daughter in the red-light area, he saw his daughter, who also recognized him and disclosed that she was brought to the red-light area four years ago at Ashok Khalifa's house, who indulged her in prostitution. Thereafter, police raided and one more girl Taramuni Devi was found in the house of Ashok Khalifa from where the accused persons were arrested.

The learned counsel for the petitioner submits that the petitioner is paying for the misdeeds of his daughter. It is next submitted that the petitioner is not named in the F.I.R. It is further submitted that petitioner is a person with clean antecedent and he along with his sister move to Patna for the purposes of study. The learned counsel next submits that from perusal of the supplementary affidavit, it would manifest that petitioner is a good student and presently, he has passed his B-Ed 1st Part Examination. The learned counsel further submits that from perusal of the Annexure-2 series to the supplementary affidavit, it would manifest that since 2013, petitioner has been studying in Patna. The learned counsel further submits that since the parents of the petitioner were indulging in nefarious activity, as such, he along with his sister Manisha Kumari and Neha Kumari moved out from Begusarai. It is next submitted that



petitioner after passing his graduation has started a coaching institute at Fulwarisharif and is giving coaching to student of Class-10. It is further submitted that petitioner even qualified in the P. T. Examination conducted by B.S.S.C., but could not qualify finally.

The learned counsel next submits that these submissions have been made only to show that petitioner wants to lead a life separate from his parents. The learned counsel further submits that since the petitioner does not stay with his parents, as such, he was not named in the F.I.R. It is next submitted that one girl was recovered from the house of his father namely, Taramuni Devi, her statement was recorded under Section 164 of the Cr.P.C., in which she also does not name the petitioner. The learned counsel next submits that though petitioner is not named in the F.I.R., but the victim of the present case in her statement recorded under Section 164 of the Cr.P.C. has taken the name of this petitioner. The learned counsel next submits that it appears that since the petitioner is the son of his father and mother, as such, the victim might be knowing, but then petitioner is a person with clean antecedent, is a qualified person and is working hard to settle in life and thus, had left the company of his parents for long, no doubt,



initially it were the parents, who were sustaining the petitioner and his sister, who were studying in Patna also.

The learned counsel for the petitioner submits that

Learned A.P.P. opposes the bail application.

Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending in connection with POCSO Case No.64 of 2021 arising out of Bakhri P. S. Case No.01 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The application stands allowed.

(Satyavrat Verma, J)

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