

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.352 of 2022

Arising Out of PS. Case No.-9 Year-2021 Thana- SUGAULI RAIL P.S. District- West
Champaran

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TULSI MAHTO @ TULSI PD. KUSHWAHAS @ TULSI PRASAD
KUSHWAHA, Son of Late Ramdeyal Mahto, Resident of Village- Nautan
Pandey Tola, P.S.- Nautan, District- West Champaran.

... .. Petitioner

Versus

1. The State of Bihar
2. The Union of India

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Advocate

For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 19-05-2022 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within two weeks

after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Ms. Anita
Kumari Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sugauli Rail P.S. Case No. 09 of 2021

registered for the offences punishable under Section 370/34 of

the Indian Penal Code and Section 79 of the Juvenile Justice

(Care and Protection of Children) Act. He is in custody since

19.08.2021. The petitioner has got one criminal antecedent in

which he is on bail.



Learned counsel for the petitioner submits that as per the prosecution story, in combined operation by the SSB Bachpa Bachao Andolan, East Champaran, G.R.P. and R.P.F. Sugauli three minor girls were recovered from platform no. 1 of Sugauli Railway Station and during counseling they disclosed that one Tulsi Prasad Kushwaha the owner of Orchestra Party brought them for dancing for which he used to pay Rs. 1500-2500 to their family members. One of the victims disclosed that Binod Prasad Kushwaha the son of owner sent them at some place where one person committed wrong work with her. It is further stated that one Duryaodhan Kumar Mandal was found in the company of the girls.

Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence. It is submitted that the victims were found with co-accused Duryodhan Kumar Mandal and this petitioner was not there. The only thing which has been stated against this petitioner is that he was engaging these three girls for dancing in the orchestra party and was paying a sum of Rs. 1500-2500 to the family of the girls and there is no allegation of commission of any indecent act against him.

Ms. Anita Kumari Singh, learned APP for the State is



present and has opposed the prayer for regular bail of the petitioner.

Having regard to the submission that the victim girls were recovered from Sugauli platform and they were found with co-accused Duryodhan Kumar Mandal, this petitioner was not there and the only thing which has been stated against this petitioner is that he was engaging these three girls for dancing in the orchestra party and was paying a sum of Rs. 1500-2500 to the family of the girls, the petitioner has remained in custody since 19.08.2021, there is no allegation of commission of any indecent act against this petitioner and the petitioner has got one criminal antecedent of petty nature in which he is on bail, this Court directs that the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, Rail, Bettiah, West Champaran in connection with Sugauli Rail P.S. Case No. 09 of 2021, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal



antecedent, the court below shall take steps for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

