

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19466 of 2023

Arising Out of PS. Case No.-128 Year-2014 Thana- BRAHMPURA District- Muzaffarpur

1. Md. Mashum Theekedar @ Md. Mashum Son Of Md. Khurshid Alam R/O Village- Baswariya, P.S.- Chiraiya, District- East Champaran
2. Md. Meraj Theekedar @ Md. Meraj Son Of Sheikh Anwar @ Shekh Anwarul Haq @ Anwarul Haq R/O Village- Jatwa, P.S.- Banjariya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha, Advocate.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 13-06-2023 Heard Mr. Binod Kumar Sinha, learned counsel for the petitioner and learned APP for the State.

The Petitioners are apprehending their arrest in connection with Brahampura P.S. Case No.128 of 2014, registered for the offences punishable under Sections 341, 342, 370 of the Indian Penal Code and under Sections 23, 26 of the I.T. Act.

The prosecution case is based on the written complaint filed by the informant and other members of the



District Child Development Welfare Committee, Muzaffarpur alleging therein that ten child labourers fled away from the clutches of brokers/agents on 04.04.2014 and made a complaint that they were taken to Bangalore to work in a bag factory as bounded labour without the consent of their parents.

Learned counsel appearing on behalf of the petitioners submits that though the FIR was instituted way back in they year 2014 but till date neither any interrogation has been made in connection with the present complaint nor he has been called upon by any of the authorities concerned. However, having came to know with regard to the present case they approached before the Competent Court for grant of their anticipatory bail. He further submits that from the FIR, it is evident that the children were recovered on 04.04.2014 but surprisingly the FIR has been instituted on 15.06.2014 after a delay more than two months, apart from the fact that none of the parents of the children came forward to make any complaint against the petitioners. He next submits that the petitioners are neither the brokers/agents nor they are owner of any bag factory situated at Bangalore and it appears that the present case has been instituted on misconception. He lastly submits that the petitioners are men of clean antecedent, apart from the fact that



the investigation of the crime is still going on as is evident from the impugned order rejecting the bail application of the petitioners.

On the other hand learned APP for the State vehemently opposes the bail application and submits that the petitioners have approached this Court after a delay of eight years of the institution of the FIR and there is specific allegation against the petitioners and as such they do not deserve the privilege of anticipatory bail.

Regard being had to the submissions made on behalf of the parties and considering the delay in lodging of the FIR and the fact that the parents of the children have not made any complaint and moreover from the impugned order passed by the learned Sessions Judge, Muzaffarpur, it appears that the investigation has not come to an end till date even after eight years of lodging of the FIR, let the above named petitioners, be released on bail, in the event of their arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Muzaffarpur in connection with Brahampura P.S. Case No.128



of 2014, subject to the condition as laid down under Section
438(2) of the Code of Criminal Procedure.

(Harish Kumar, J)

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