

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 26242 of 2023**

Arising Out of PS. Case No.-361 Year-2021 Thana- BALIYA District- Begusarai

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SAMSHER KHALIFA SON OF LATE GHURAN KHALIFA RESIDENT OF
MATHURAPUR, PS- BALLIA DISTRICT -BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Binod Kumar, Advocate

For the Opposite Party/s : Dr Ajeet Kumar, APP

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CORAM: HONOURABLE MR JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 24-05-2023 Learned counsel for the petitioner is permitted to remove defect (s), as pointed out by the office, if any, within a period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner has preferred this application for grant of regular bail in connection with Balia Police Station (for brevity, **PS**) Case No 361 of 2021 dated 02.11.2021 registered for the offence punishable under Sections 346, 366A, 367, 370, 370A, 371, 372, 373, 376, 120B/34 of the Indian Penal Code, Sections 4, 6, 12, 17 of the Protection of Children from Sexual Offences (for brevity, **POCSO**) Act, Sections 3, 5, 6, 7, 8 of the



Immoral Traffic (Prevention) Act and Sections 75, 79 of the Juvenile Justice Act.

As per prosecution case, the informant has alleged that the apprehended persons were running a brothel and under coercion, the trafficked girls were forced to get indulged in illicit sexual activity. It is further alleged that the raid was conducted in the house of Ishwar Khalifa and the victim was allegedly recovered from his house.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. He has not been named in the First Information Report. The petitioner is accused in four more criminal cases, as stated in paragraph 3 of the bail petition. He is in custody in this case since 01.02.2023. The co-accused Santosh Kumar, Tunna Khalifa, Munna Khalifa, Anita Devi have already been granted bail by coordinate Benches of this Court by orders dated 14.07.2022, 03.11.2022, 24.02.2023 passed in Cr Misc No 14226 of 2022, Cr Misc No 47886 of 2022, Cr Misc No 1468 of 2023 respectively.

Learned APP has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of



the case, the period of custody as well as the nature of allegation against the petitioner, the petitioner above named is directed to be released on bail on his furnishing bonds of Rs 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Judge (POCSO Act), Begusarai in Balia PS Case No 361 of 2021 dated 02.11.2021 subject to the following condition:

The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, his bail is liable to be cancelled.

This application stands allowed.

(Chandra Prakash Singh, J)

M.E.H./-

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