

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25639 of 2023

Arising Out of PS. Case No.-392 Year-2022 Thana- DUMRA District- Sitamarhi

AKHTAR ANSARI Son of Sakur Ansari Resident of village - Harihara, P.S.-
Sikarganj, District - East Champaran, Motihari.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Dumra P.S. Case No.392 of 2022 registered for the offence
under Sections 363, 365, 366A, 370, 370A, 372, 373, 376 and
120B of the Indian Penal Code, Sections 3, 4, 5, 6 of Immoral
Trafficking Act, 1956, Sections 4 and 6 of the POCSO Act and
Section 75 and 79 of the J.J. Act.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 24.08.2022.

4. As per case of prosecution, informant alleged
that after inquiry from co-accused, namely, Chandani Kumari
and also from her disclosure that she along with her husband,
namely, Ravi Kumar, were engaged in Immoral
Practice/prostitution trade, on the pretext of dancing and



singing, by engaging minor girls. The petitioner was apprehended on spot.

5. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is neither owner nor Manager of the premises from where alleged girls were recovered, where, he appears to be customer and as such, allegation as raised through present FIR is not appearing convincing against him. It is further pointed out by learned counsel that allegation is very general and omnibus against this petitioner. It is also pointed out by learned counsel that similarly situated co-accused persons have already granted bail by one of the learned co-ordinate Bench of this Court, through Cr. Misc. No.63801 of 2022 dated 22.03.2023. It is also submitted that none of the victim girls, who alleged to be recovered after raid, stated anything incriminating against this petitioner, while recording their statement under Section 164 of the Cr.P.C. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.



7. Considering the facts and circumstances as mentioned above and by taking note of the fact as victim girls stated nothing incriminating against this petitioner, while recording their statement under Section 164 of the Cr.P.C. coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 24.08.2022, let the petitioner, above named, is directed to be released on bail, ***after framing of charge***, in connection with Dumra P.S. Case No.392 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addiitional Sessions Judge-VI-cum-Special Judge, POCSO Act, Sitamarhi/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C. with further conditions that:

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bonds shall be cancelled by the Court below.

(2) If the petitioners tamper with the



evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioners. 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.

(Chandra Shekhar Jha, J)

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