

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27523 of 2023

Arising Out of PS. Case No.-7 Year-2023 Thana- MAHILA P.S. District- Siwan

Lakhan Mandal S/O Raman Mandal R/O Jharkali, P.S- Jharkali Kostal, Distt.-
South 24 Pargana (W.B)

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Amitesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 17-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 16.02.2023, in connection with Siwan Mahila P.S. Case No. 07 of 2023, F.I.R. dated 16.02.2023 registered for the offences punishable under Sections 370/371 of the Indian Penal Code, Section 75/79 Juvenile Justice Act, Sections 3, 4, 5, 6 of the Immoral Trafficking Act, Sections 16, 17 and 18 of the Bounded Labour Act as well as Section 8 of the POCSO Act.

3. The prosecution case, in brief, is that the owner of three Orchestras have brought minor girls and they are being forced to perform dance at public view whereupon the police personnel reached at the Mahuari and raided at Azad orchestra, King Orchestra and New Musical Group Orchestra and



recovered six minor girls namely Kajal Rawat aged about 15 years, Lipi Mazumdar aged about 14 years, Dola Mazumdar aged about 13 years, Latika Mandal aged about 17 years, Momita Das aged about 15 years and Rupa Mandal aged about 14 years. Allegation against the petitioner is of using the minor girls for performing dancing on indecent song.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. He further submits that from a bare perusal of the F.I.R. it appears that there is no allegation of sexual harassment with the co-workers and thereafter the statement of the victim girls were recorded under Section 164 of the Cr. P.C. in which they all categorically stated that they have joined the Orchestra Group to perform the dance and they are also stated that no sexual harassment was done by anyone. He further submits that the police after investigation submitted chargesheet against the petitioner and the petitioner is in custody since 16.02.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner and submits that the petitioner is the owner of the Orchestra group and he is equally involved in all the affairs of the Orchestra in question.

6. Considering the facts and circumstances of the case, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge VI cum Exclusive Special Judge, POCSO, Siwan in connection with Siwan Mahila P.S. Case No. 07 of 2023, subject to the following conditions :-

(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 his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, the court below shall take step 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.

(Rajesh Kumar Verma, J)

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