

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48372 of 2023

Arising Out of PS. Case No.-437 Year-2021 Thana- PURNEA SADAR District- Purnia

RUSTAM @ BUDDHAN KHALIFA @ BUDDHA DEO KUMAR SON OF
LATE LAL BABU @ LATE SHAM SHUDDIN ALAM @ LALU KHALIFA
RESIDENT OF MOHALLA - WARD NO.41 ABDULLA NAGAR, P.S. -
SADAR, AT PRESENT AGAR TOLA CHUNA FACTORY, P.S. -SADAR,
DISTRICT - PURNEA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar Mishra
For the Opposite Party/s : Mr.Lakshmi Kant Sharma

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 08-08-2023

1. 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.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Sadar P.S. Case No. 437
of 2021 dated 28.8.2021 registered for the offence punishable
u/s 341, 342, 366A, 367, 370, 370A, 370(5), 371, 372, 373, 376,
120B of the Indian Penal Code and 3, 5, 6, 7, 9 of the P.A. Act
and 75, 81, 84 of the J.J. Act and 3, 5, 6, 7, 8, 9, 10 of the
POCSO Act.



4. As per the prosecution case, on secret information of flesh trade happening in the area , the informant with other police personnel, raided the house of the co-accused persons and one girl aged about 15 years was recovered from the house of the co-accused, Kumar Govinda. Further, five minor girls were also recovered from the house of the co-accused, Akbar Khalifa. Further, it is also alleged that those girls were involved in the business of flesh trade. Some used and unused condoms were also recovered from the place from where the petitioner was apprehended.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Nothing incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel has further submitted that the victim in her statement recorded under Section 164 of the Cr.P.C. has not stated anything about the said illegal trade. The petitioner is a fruit dealer and he has no concern with the alleged offence. The co-accused person has already been granted bail by the Coordinate Bench of this Court vide order dated 17.10.2022 passed in Cr. Misc. No. 71884 of 2022. The petitioner is accused in one more criminal case as



stated in para 3 of the bail petition. The petitioner is in custody since 16.4.2023.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Purnea in connection with 2nd Suppl. Spl. (POCSO) Case No. 90 of 2021 arising out of Purnea Sadar P.S. Case No. 437 of 2021 with the condition:-

(i) 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, the bail bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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