

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45605 of 2023

Arising Out of PS. Case No.-809 Year-2019 Thana- RAMKRISHNANAGAR District- Patna

Salma Khatun @ Hamida Khatun Wife of Late Md. Fakruddin Resident of
village - Isopur Phulwari Sarif, P.S.- Phulwari Sarif, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Upendra Mishra, Advocate

For the Opposite Party/s : Mrs. Usha Kumari I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 25.03.2023 in connection with Ram Krishna Nagar P.S. Case No. 809 of 2019, F.I.R. dated 14.11.2019 for the offences punishable under Sections 372, 376, 354/34 of the Indian Penal Code, Sections 4, 18 and 16 of POCSO Act and Section 3(i)(r) (v), 3(i)(w)(ii), 3(2)(v) of SC/ST Act, 2015 and Section 5 of the Immoral Traffic Act, 1956.

3. According to prosecution case, the allegation against the petitioner as per the First Information Report in brief is that the informant/victim -Kareena Kumari used to live with her parents in the house of Rameshwar Pandit on rent. It has also been alleged that she met one Pradeep Sahni @ Amit Sahni @ Gorka and his wife- Puja Kumari @ Neelam Kumari, who



were residents of Alamganj Police Station and told them her woes and friend of Kareena Kumari, Komal Kumari also complained like the informant. Thereafter, both the informant and her friend escaped from their houses on 20.10.2019 and went to the house of Puja Kumari. After some days, they came to know that Puja Kumari and her husband were indulged in the business of prostitution and Puja Kumari used to supply girls to different places and they pressurized the victim to enter in the said flesh business and during their stay at her house, her husband molested them several times also. She has further complained that she had stayed in the house of Sanjay Agrawal where Salma Khatoon was running a brothel and co-accused Babloo Kumar and Veena Ranjan used to co-operate Salma Khatoon and Kushum Devi in their flesh trade. On 12.11.2019, Puja Kumari along with her husband brought Komal Kumari to Mithapur bus stand with intention to sell her for two lakh rupees, but after knowledge both the victims fled away and informed the Police.

4. Learned counsel for the petitioner submits that petitioner is innocent and she has falsely been 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. and the statement of the victim girl was recorded under Section 164 of Cr.P.C. in which she has not stated anything about the petitioner. He further submits that similarly situated, co-accused, namely, Puja Kumari @ Neelam Kumari against whom the similar allegation has been granted bail by a co-ordinate Bench of this Court vide order dated 28.07.2022 passed in Cr. Appeal (SJ) No.4874 of 2021 and another co-accused namely, Babloo Kumar has been granted bail by a co-ordinate Bench of this Hon'ble Court vide order dated 29.05.2020 passed in Cr. Misc. No.7097 of 2020. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 25.03.2023.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one, in which petitioner is on bail.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional



Session Judge-VI-cum-Special Judge (POCSO), Patna in connection with Ram Krishna Nagar P.S. Case No. 809 of 2019, 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 her absence on two consecutive dates without sufficient reason, her bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, 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 her criminal antecedent, 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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