

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45626 of 2023

Arising Out of PS. Case No.-344 Year-2023 Thana- PATNA RAIL P.S. District- Patna

AQUIB AFZAL Son of Afzal Ahmad Resident of village - Khatari, P.s. -
Kotwali, Distt. - Ara (Bhojpur)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard Mr. Ansul learned Counsel for the petitioner
and Mr. Atul Chandra who represent the State.

The petitioner apprehends his arrest in connection with Patna Junction (Rajendra Nagar) P.S. Case No. 344 of 2023 for the offence punishable under Sections 370 of the IPC and Section 79 of the J.J. Act, Section 3 of the Child Labour (Prohibition and Regulation) Act, Under Section 4 of The Prevention of Human Trafficking Act, 2014 And Section 17 of The Bonded Labour Act, lodged on 29.04.2023 by the informant Vimal Rai.

As per the prosecution story, the allegation is that the members of the '*Bachpan Bachao Andalon*' were inspecting the train, Rajdhani Express, and found a 10 years old girl in suspicious condition. On enquiry, she informed that she is going



to the petitioner's house to work as a maid. Accordingly, the FIR.

It is the case of the learned counsel for the petitioner that the mother of the girl herself filed an affidavit (Annexure-2 to the petition) that she was a maid servant with the petitioner's family and as they were going to Delhi for sight seeing, she had allowed her daughter to accompany.

Learned APP opposes the prayer but concede that there is a certificate of the mother of the victim girl.

Having heard the parties and perusing the facts of the case and the submissions put forward by the learned counsel for the petitioner, FIR lodged and ultimately will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of CJM, Patna, in connection with Patna Junction (Rajendra Nagar) P.S. Case No. 344 of 2023, subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of



the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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