

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47771 of 2023

Arising Out of PS. Case No.-434 Year-2023 Thana- PURNEA SADAR District- Purnia

1. FARIDA KHATOON W/O MD. AZAD R/O VILLAGE- ZERO MILE GULABBAGH, PS. SADAR, DIST. PURNEA
2. MINA KHATOON D/O LATE JHAFAR KHAN R/O VILLAGE- ZERO MILE GULABBAGH, PS. SADAR, DIST. PURNEA
3. MD HAFIZ @ ABDUL HAFIZ S/O LATE ABDUL HAMID R/O VILLAGE- ZERO MILE GULABBAGH, PS. SADAR, DIST. PURNEA
4. MD NASIM @ MD NASIM ANSARI S/O LATE ABDUL HAMID R/O VILLAGE- ZERO MILE GULABBAGH, PS. SADAR, DIST. PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 30-08-2023 Heard learned counsel for the petitioners and
learned A.P.P. for the State.

The petitioners seek bail in connection with Sadar
P.S. Case No. 434 of 2023 registered for the offence under
Sections 341, 342, 353, 366(A), 370(A), 370(s). 371, 372,
373, 376 and 120(B) of the Indian Penal Code and Sections
3, 4, 5, 6, 7, and 9 of the Immoral Traffic Act and Section 75,
81 and 84 of the J.J. Act.

The petitioners are alleged to have been indulged
in immoral activity of human trafficking for the purpose of



carry out the flesh trade.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that petitioner Nos. 1, 2 and 4 have no criminal antecedent but the petitioner No.3 carries one criminal antecedent other than the present one. He further submits that during course of investigation, the petitioners have been arrested in this case on the basis of suspicion and nothing incriminating has been recovered from their house or their conscious possession. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not been indulged in any illegal activity of flesh trade nor they have committed any offence. Save and except the suspicion, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioners in the alleged occurrence. He further submits that the victims have not been recovered from the house of the petitioners and they are major according to their medical examination. Moreover, co-accused, Shakina Khatoon and Manju Khatoon have already been granted bail by a co-ordinate Bench of this Court vide order dated 04.08.2023



passed in Cr. Misc. No. 48844 of 2023. The petitioners are rotting in judicial custody since 14.05.2023.

Learned A.P.P. for the State opposed the prayer for bail of the petitioners and submits that petitioner Nos. 1, 2 and 4 have no criminal antecedent but the petitioner No.3 carries one criminal antecedent other than the present one.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, cum- Special Judge, (POCSO), Purnea in connection with Sadar P.S. Case No. 434 of 2023 with the following conditions:-

(1) Petitioners 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 bond shall be canceled 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 antecedent, 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.

(Rajesh Kumar Verma, J)

brajesh/-

U		T	
---	--	---	--

