

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52048 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- PURNEA SADAR District- Purnia

Md. Aashif Jardari Son Of Md. Aarif Resident Of Village - Jhunni,
Istambarar, P.S. - K. Nagar, District - Purnea

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 17-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

3. Petitioner seeks bail who is in custody since 07.02.2023 in connection with S.T. No. 228 of 2023 arising out of Sadar P.S. Case No. 106 of 2023, F.I.R. dated 06.02.2023 for the offences punishable under Sections 346, 365, 376 and 120B of the Indian Penal Code and Sections 3, 4, 5 and 6 of the Immoral Trafficking (Prevention) Act.

4. According to prosecution case, informant received a secret information that prostitution was being done by girls at a house situated near Railway Line in front of Mahamaya



Colonly, Rambagh. During the search of house, two girls were recovered from a room. The girls who were recovered stated that they are made hostage since five days and were compelled for wrong work and one of the girls said they brought them in the name of providing work in beauty parlor.

5. Learned counsel for the petitioner submits that petitioner is innocent and he 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 offences as alleged in the F.I.R. He further submits that the petitioner was apprehended along with his wife, namely, Pooja Roy @ Shama Praveen and along with his brother. He further submits that number of items was recovered from the room of the petitioner. He further submits that the police after investigation submitted the charge sheet against the petitioner. He further submits that similarly situated, co-accused, namely, Pooja Kumar @ Pooja Roy @ Shama Praveen who is wife of the petitioner has been granted bail by a co-ordinate Bench of this Court vide order dated 26.06.2023 passed in Cr. Misc. No. 34935 of 2023 and another co-accused, namely, Rehan Fazal @ Md. Rehan Fazal who is cousin brother of the petitioner has been granted bail by a co-ordinate Bench of this



Court vide order dated 24.05.2023 passed in Cr. Misc. No. 29070 of 2023. The petitioner is in custody since 07.02.2023.

6. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries five criminal antecedents other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in all the five cases.

7. 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 Sessions Judge 1st, Purnea in connection with S.T. No. 228 of 2023 arising out of Sadar P.S. Case No. 106 of 2023, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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 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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