

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57872 of 2023

Arising Out of PS. Case No.-188 Year-2023 Thana- SONBERSA District- Sitamarhi

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DHARMENDRA KUMAR SON OF LAKSHMI MUKHIYA VILLAGE-
JAYNAGAR, PS- BELA, DIST- SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Satya Nand Shukla, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in judicial custody in connection with Sonbarsa P.S. Case No. 188 of 2023 registered under Sections 370 of the Indian Penal Code and Section 3 of the Child Labour (Prohibition and Regulation) Act. lodged on 09.06.2023 by the informant, Tarun Ray.

3. As per the prosecution story, the allegation is that the SSB Constable intercepted this petitioner along with two child and considering that he is indulging in human trafficking, arrested. Accordingly, the FIR.

4. It is the case of the petitioner that the mother of the two children is dead, the father lives in Haryana and requested him to bring the two children whenever he comes to Haryana.



He was taking them to their father but was arrested.

5. Learned counsel for the petitioner has taken this Court to an affidavit of the father of the two minor children to show that he has supported the contention put forward by the petitioner, as stated above.

6. Learned APP opposes the prayer for bail but concede that the father has given an affidavit.

7. Considering the submissions put forward by the learned counsel for the petitioner, the affidavit as also the fact that he is in custody since 10.06.2023 (as stated in paragraph-10 of the petition, this Court is inclined to grant him privilege of bail.

8. Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Sitamarhi in connection with Sonbarsa P.S. Case No. 188 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *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/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark 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 his 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 the bail bonds.

(Rajiv Roy, J)

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