

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56073 of 2022

Arising Out of PS. Case No.-543 Year-2022 Thana- PURNEA SADAR District- Purnia

SHARMILY Wife of Shakhil Ahmad Resident of village- Datrakambal Shah,
Mazar, Shukla Road, Police Station- Muzaffarpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61047 of 2022

Arising Out of PS. Case No.-543 Year-2022 Thana- PURNEA SADAR District- Purnia

1. MD ISTIYAK @ ISHIYAK PANDIT S/o Md. Salim Resident of -
Bageshwari Asthan, Gulabbagh Hansda, P.S.- Sadar, District- Purnea
2. RUBI KHATOON W/o Md. Istiyak @ Ishiyak Pandit Resident of -
Bageshwari Asthan, Gulabbagh Hansda, P.S.- Sadar, District- Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56073 of 2022)

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

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

(In CRIMINAL MISCELLANEOUS No. 61047 of 2022)

For the Petitioner/s : Mr. Shravan Kumar, Sr. Advocate

Mr. Krishna Kumar Singh, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 08-05-2023 Vide orders dated 27.02.2023 and 24.03.2023, due to

typographical error the order numbers has wrongly been typed

as Order No. '31' and '32' in place of Order No. '3' and '4'.

Let the orders dated '27.02.2023' and '24.03.2023'

the Order No. '31' and '32' be read as Order No. '3' and '4'.



Heard Mr. Shravan Kumar, Senior Advocate, assisted by Mr. Krishna Kumar Singh, Advocate and Mr. Raj Kumar, learned counsel appearing on behalf of the petitioners and Mr. Mushtaque Alam, learned Additional Public Prosecutor for the State.

Petitioners seek bail, who are in custody since 29.07.2022 in connection with Sadar P.S. Case No. 543 of 2022, F.I.R. dated 28.07.2022 for the offences punishable under Sections 346, 366(A), 367, 370(A), 372, 373, 376, 120-B/34 of the Indian Penal Code, Section 4, 6, 12, 17 of POCSO Act and Section 3, 4, 5, 6 and 7 of Immoral Trafficking Protection Act and Section 75 and 79 of Juvenile Justice Act.

According to prosecution case, as per F.I.R all the F.I.R. named accused persons including these petitioners were engaged in prostitution business and during course of raid Md. Ishtihak, Sharmili and Ruby Khatoon along with 3 minor girls have been arrested by the police. One arrested girl disclosed that F.I.R. named accused persons were forcing her for prostitution.

Learned senior counsel for the petitioners submits that petitioners have clean antecedent and they have 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



petitioners are not involved in the crime in question as alleged in the F.I.R. He further submits that the statement of the so called victim girls were recorded under Section 164 of Cr.P.C. it appears from the statement of the victim girls that they are not minor and they have not supported the case of the prosecution. He further submits that the police after investigation submitted the charge sheet against these petitioners and the petitioners are in judicial custody since 29.07.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

Considering the aforesaid facts and circumstances, let the petitioners, above named, 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 the learned 6th Additional Sessions Judge-cum-Special Judge (POCSO), Purnea in connection with Sadar P.S. Case No. 543 of 2022, subject to 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 cancelled 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.

3. 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)

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