

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61692 of 2023**

Arising Out of PS. Case No.-7 Year-2023 Thana- MAHILA P.S. District- Siwan

Biswajit Mondal @ Chhotu, son of Dilip Mondal Village- Jharkhali Bazar Ps-
Jharkhali Coastal Dist- South Pargana W.B.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

2 21-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 23.07.2023 in connection with Siwan Mahila P.S. Case No. 07 of 2023, F.I.R. dated 16.02.2023 registered for the offences punishable under Sections 370/371 of the Indian Penal Code, Section 75/79 Juvenile Justice Act, Sections 3, 4, 5, 6 of the ITP Act, and sections 16, 17 and 18 of the Bounded Labour Act as well as Section 8 of the POCSO Act.

3. According to prosecution case, in brief, is that the owner of three Orchestras have brought minor girls and they are being forced to perform dance at public view whereupon the



police personnel reached at the Mahuari and raided at Azad orchestra, King Orchestra and New Musical Group Orchestra and recovered six minor girls namely Kajal Rawat aged about 15 years, Lipi Mazumdar aged about 14 years, Dola Mazumdar aged about 13 years, Latika Mandal aged about 17 years, Momita Das aged about 15 years and Rupa Mandal aged about 14 years. Allegation against the petitioner is of using the minor girls for performing dancing on indecent song. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely 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 offence as alleged in the F.I.R. He further submits that the statement of the victim girls were recorded under Section 164 of the Cr. P.C. in which she had not stated anything about the petitioner. He further submits that similarly situated, co-accused, namely, Lakhan Mandal has been granted bail by a co-ordinate Bench of this Court vide order dated 17.08.2023 passed in Cr. Misc. No. 27523 of 2023, another co-accused, namely, Azad Hussain has been granted bail by a co-ordinate Bench of this Court vide order dated 15.09.2023 passed in Cr. Misc. No. 61604 of 2023. Petitioner is



in custody since 23.07.2023.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. 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, VI cum Special Judge POCSO, Siwan in connection with Siwan Mahila P.S. Case No. 07 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)

Prakash Narayan

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