

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61604 of 2023

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

Azad Hussain S/O Anwar Hussain @ Anwar Shah (AZAD Orchestra Organizer) R/O Village- Nathu Chhap, P.S- Muffasil, Distt.- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Rajendra Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 370, 371 of the Indian Penal Code and Sections 75 and 79 of J.J. Act and Sections 3, 4, 5 and 6 of the Immoral Trafficking Act, Sections 16, 17 and 18 of the Bonded Labour Act and read with Section 08 of POCSO Act.

3. The prosecution case, in short, is that the owner of the three Orchestras have brought minor girls and they are being forced to perform dance at public view whereupon the police personnel reached at that place and raided those orchestra groups and recovered six minors girls. Allegation against the petitioner is of using the minor girls for performing dance on



indecent song.

4.Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that from bare perusal of the FIR, it appears that there is no allegation of sexual harassment with the said girls and thereafter the statement of the victim girls were recorded under Section 164 of the Cr.P.C. in which they all categorically stated that they have joined the Orchestra Group to perform dance and they also stated that no sexual harassment was committed by anyone. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Similarly situated other co-accused person has already been granted bail by the different co-ordinate Bench of this Court vide order dated 17.08.2023 in Cr. Misc. No. 27523 of 2023. Moreover, the petitioner is languishing in judicial custody since 08.07.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be



released on bail in connection with Siwan Mahila P.S. Case No. 07 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Siwan.

(Sunil Kumar Panwar, J)

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