

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71482 of 2021**

Arising Out of PS. Case No.-231 Year-2018 Thana- SAHARSA SADAR District- Saharsa

MD AJAD Son of Md. Salim @ Salma Resident of Mohalla/Village- Bhartiya
Nagar, Ward No.-26, P.S. and District- Saharsa.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

3 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through the virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 363, 366A/34 of the Indian
Penal Code, Sections 3, 4, 5, 6 and 7 of the Immoral Traffic Act
and Sections 12, 14, 16 and 17 of the POCSO Act.

Learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and is in custody
since 29.06.2021.

The informant alleges that petitioner took her on
pretext of giving a good life and confined her in a red-light area
where she was forced to indulge in flesh trade but after a month
the informant managed to flee away from the place of



occurrence. Further, her step-mother Meena Devi also made her indulge in prostitution.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from perusal of the medical report of the victim, it would manifest that her age has not been properly ascertained as it records that she is below 18 years and the same could be presumed as 17 and half years also. It is next submitted that the injury report does not find any injury external or internal on the body of the victim nor any sign of rape was found present. It is also submitted that no doubt the informant has supported the prosecution case in her statement under Section 164 Cr.P.C. but then the same still has to be tested in duly constituted trial. It is further submitted that purpose of arrest is not to punish but to ensure that the investigation of the case is not hampered and charge-sheet has been submitted.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the submission made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the



like amount each to the satisfaction of learned Court below where the case is pending in connection with POCSO Case No. 16 of 2018 arising out of Saharsa P.S. Case No. 231 of 2018.

Further, in the event, if the learned trial court comes to a conclusion that the petitioner, after his release on bail, is trying to delay the trial of the case in any manner, the learned trial court shall forthwith cancel the bail bonds of the petitioner after recording reasons.

(Satyavrat Verma, J)

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