

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64251 of 2023

Arising Out of PS. Case No.-553 Year-2023 Thana- FORBESGANJ District- Araria

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MOHAMMAD JAHANGIR @ JAHANGIR @ MD. JAHANGIR SON OF
WASIM @ MOHAMMAD WASIM RESIDENT OF VILLAGE -
REFERRAL ROAD, WARD NO. 03, RAMPUR UTTAR, PS-
FORBESGANJ, DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh, Adv

For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 06-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Forbesganj P.S. Case No. 553 of 2023 registered on 18.06.2023 lodged under Sections 342, 370(A) of the I.P.C. and Section 3(ii)(a)(b), 4, 5, 6, 7, 9 of Immoral Trafficking Act and 4, 6, 8, 10 and 17 of POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged against fourteen named accused persons including the petitioner. It has been alleged in the F.I.R. that the raid has been conducted in the house of one Md. Kalam. On his house, business of



immoral trafficking was alleged to be going on. The petitioner was also arrested from the house of Md. Kalam and five girls were also recovered from the said house.

4. Counsel further submits that petitioner is innocent and has committed no offence. He further submits that petitioner is in custody since 27.07.2023 having one criminal case pending against him, in which he is on bail. He submits that as mentioned in the F.I.R., the raid has been conducted in the house of Md. Kalam. In the F.I.R., it has been alleged that five girls were there and vertically ages were also mentioned in the F.I.R. from which it seems that three girls were major and two are 15 years of age who are minors.

5. Counsel further submits that the petitioner is also victim in this case and nothing has been recovered from his possession except his personal mobile phone. Counsel further submits that other co-accused has been granted bail by the co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 55420 of 2023.

6. Learned counsel for the State opposes the prayer for bail.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above



named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -VI-cum-Special POCSO Court, Araria in connection with Forbesganj P.S. Case No. 553 of 2023, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

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

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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.

8. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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