

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60591 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- MAHESI District- East Champaran

Aryan @ Faizal @ Faisal Son Of Hasnain Akhtar @ Hussain Akhtar Resident
Of Village- Ramdiha, P.S.- Chakiya, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 61792 of 2022

Arising Out of PS. Case No.-247 Year-2022 Thana- MAHESI District- East Champaran

Santosh Kumar Son Of Mohan Thakur Resident Of Village - Bada Baisahan,
P.S.- Chakia, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 60591 of 2022)

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Shailendra Kumar

(In CRIMINAL MISCELLANEOUS No. 61792 of 2022)

For the Petitioner/s : Mr.Madhurendra Kumar

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 19-05-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners are languishing in custody in a

case registered for the offences punishable under

Sections 3, 4, 5, 6 of the Immoral Traffic Act and



Section 8 of the Protection of Children from Sexual Offences Act.

As per prosecution case, the petitioners were apprehended in objectionable condition from a hotel room with a minor girl and the allegation was of immoral trafficking and sexual assault with a minor girl.

It is submitted by learned counsel for the petitioners that petitioners are innocent and they have falsely been implicated in this case. Nothing incriminating has been recovered from the personal possession of the petitioners. The victim girls were neither medically examined nor their statements were recorded under Section 164 Cr.P.C. At best, the victim girls and the petitioners could be said to be a consenting party. The petitioners are languishing in custody since 17.08.2022. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. Moreover, other similarly situated co-accused has been granted bail by a coordinate Bench of this Court vide



order dated 22.03.2023 passed in Cr. Misc. No. 55716 of 2022.

Considering the facts aforesaid and the period under custody, let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousands) each with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge-cum-Special Judge, POCSO Act, East Champaran at Motihari in connection with Mehsi P.S. Case No. 247 of 2022.

(Sunil Kumar Panwar, J)

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