

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 62512 of 2022

Arising Out of PS. Case No.-516 Year-2022 Thana- SITAMARHI District- Sitamarhi

SEEMA KHATOON Wife of Md Naeem Mian Resident of Village- Islampur,
Road Boha Tola, Ward No.-9, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Santosh Kumar, Advocate

For the Opposite Party/s : Mr Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 07-02-2023

Heard learned counsel for the petitioner and learned Additional Public Prosecutor (for brevity, **APP**) appearing for the State of Bihar.

The petitioner seeks bail in Sitamarhi Police Station (for brevity, **PS**) Case No 516 of 2022 registered for the offence punishable under Sections 363, 365, 366A, 370, 370A, 372, 373, 376, 120B/34 of Indian Penal Code, Sections 3, 4, 5, 6 of Immoral Traffic (Prevention) Act (for brevity, the **Act**), 1956, Sections 4, 6 of Protection of Children from Sexual Offences (for brevity, **POCSO**) Act and Sections 75, 79 of Juvenile Justice Act.

Raid has been conducted, as per the prosecution on some tip off regarding illicit activities, under the Act being carried out in the locality. It is alleged that two minor girls were recovered from the house of the petitioner with a customer (Md Feroze). There is also allegation that some articles have been recovered suggesting that activities under the Act were being carried out in the house of the petitioner.

It is submitted by the learned counsel for the petitioner that the alleged recovered girls, in their statements recorded under Section 164 of Criminal Procedure Code, have not levelled any



allegation against the petitioner. The petitioner is suffering on account of false accusation and has no concern with the alleged victims. Under the circumstances, the petitioner, a female, having no antecedent, is in custody since 05.08.2022. Co-accused Tarannum Barsi, Md Shamim @ Md Shamim Sah, Md Firoz, Khushbu Khatoon, Payal Khatoon, Nafisa Khatoon and Shahnaj Praveen @ Rita Khatoon @ Shahnaj Khatoon @ Rita have already been granted bail by this Court by orders dated 24.01.2023 and 07.02.2023 passed in Cr Misc No 60343 of 2022, Cr Misc No 63863 of 2022, Cr Misc No 72303 of 2022 and Cr Misc No 1452 of 2023.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge VI -cum- Special Judge (POCSO) Act, Sitamarhi in Sitamarhi PS Case No 516 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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