

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63863 of 2022**

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

1. MD SHAMIM @ MD SAMIM SAH Son of Md. Azim Sah @ Md. Yunus R/o village - Jhapha Ward No.- 1, P.S.- Ahiyapur, Dist.- Muzaffarpur, Permanent Address - R/o village - Parsauni Mailwar, P.S.- Parsauni, Dist.- Sitamarhi.
2. Md Firoz Son of Phool Babu @ Ful Babu R/o village - Muradpur Zeromail, P.S.- Ahiyapur, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr Ram Anurag Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 07-02-2023

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

The petitioners seek 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 minor girls, in objectionable condition with petitioners, were recovered from the house of co-accused Tarannum Barsi and Seema Khatoon. There is also allegation that some articles have been recovered suggesting that activities under the



Act were being carried out in the house of co-accused Tarannum Barsi and Seema Khatoon.

It is submitted by the learned counsel for the petitioners that the allegations are false. Other than secret information, there is no material. The alleged recovered girls, in their statements recorded under Section 164 of Criminal Procedure Code, have not levelled any allegation against the petitioners. The petitioners are suffering on account of false accusation and have no concern with the alleged victim. Under the circumstances, the petitioners, having no antecedent, are in custody since 05.08.2022. Co-accused Tarannum Barsi, Seema Khatoon, 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 62512 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, clean antecedent 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 petitioners' counsel. Prayer for bail is allowed. Let the petitioners, above named, be released on bail on each of them 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 petitioners who will give an affidavit giving genealogy as to how he is related with the petitioners. The bailor will also undertake to inform the Court if there is any change in the address of the petitioners.



(ii) That the petitioners will be well represented on each date and if they fail to do so on two consecutive dates, thier bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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