

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66758 of 2023

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

Md. Buttan @ Bhutan Khalifa son of Md. Pratap @ Pratap Khalifa Village-
Referral Road Word no-3, Rampur Uttar Ps- Forbesganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 16-10-2023 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 lodged under Sections 342, 370A of the I.P.C. read with Sections 3(ii) (a) (b), 4, 5, 6, 7, 9 of Immoral Trafficking Act. Later on also added sections 4,6, 8, 10 & 17 of POCSO Act.

3. As per the prosecution case, the F.I.R. has been lodged against 14 named accused persons against whom allegation of Immoral Trafficking Act.

4. Learned counsel for the petitioner submits that as per the F.I.R., the one female aged about 28 years has alleged to be recovered from his house. In this regard, the plea of the petitioner is that the said female aged about 28 years, is *bhabhi*

of the petitioner.

5. Learned counsel for the petitioner submits that petitioner is in custody is since 19.06.2023 having clean antecedent. Counsel also submits that the other co-accused persons has been granted bail by the Co-ordinate Bench of this Court vide order dated 30.08.2023 passed in Cr. Misc. No. 55420/2023.

6. Counsel further submits that charge-sheet has already been filed in this case and no purpose shall be served if petitioner shall continue in custody.

7. Learned counsel for the State opposes the prayer for bail and submits that the other accused persons has been granted bail vide Annexure-2 of the bail petition.

8. 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 Addl. 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 laid down under Section 437(3) of Cr.P.C. with other following conditions:-

(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.

(Dr. Anshuman, J.)

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