

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73602 of 2022

Arising Out of PS. Case No.-568 Year-2022 Thana- MAJHAULIA District- West Champaran

MD. SERAJ ALAM @ SERAJ ALAM Son of Jahir Miyan R/o Village -
Gurchurwa, Ward No.- 7, P.S.- Majhauriya, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner as well as learned
APP for the State.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 346, 363, 366B, 370A, 371, 372, 373, 354, 354B, 506, 34 of the Indian Penal Code and 3, 4, 5, 6 and 7 of Immoral Traffic (prevention) Act and u/s 8, 12 and 17 of POCSO Act, u/s 75 of Juvenile Justice (Care and Protection of Children) Act.

The prosecution case in brief is that, the informant got information that in one Orchestra, some minor girls were being forced to do obscene dance. After the information, the informant raid the orchestra and rescued a Nepali minor girl and arrested a smuggler. The rescued minor girl stated that accused Sujit Kumar persuaded her on the basis of job and took her to India.



She also informed that the co-accused Sujit and the petitioner together runs the said orchestra.

It is submitted by learned counsel for the petitioner that petitioner is quite innocent and have committed no offence. He has been falsely implicated in this case due to enmity and grudge. No such occurrence, in the manner as alleged, has ever taken place. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. There is no specific overt act against the petitioner. Petitioner is neither the proprietor nor the manager of the said orchestra rather he is merely an employee in the said orchestra. He submits that no license or document has been produced by the prosecution side to show that the petitioner is the co-owner of the said orchestra. He further submits that there is no specific allegation against the petitioner of committing any sexual act to make out any of the alleged offences. Petitioner has no criminal antecedent, as also mentioned in para-3 of the bail application.

Learned APP for the State opposed the prayer for anticipatory bail and submits that some of the witnesses have supported the prosecution case.

Having regard to the facts and circumstances of the case as there is no specific overt act against the petitioner, let the



above named petitioner, be released on bail, in the event of his/her arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Majhauriya P.S. Case No.568 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

shikha/-

U		T	
---	--	---	--

