

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70689 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- MUZAFFARPUR RAIL P.S. District-
Saran

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1. MD. AHMAD SON OF MD. ARIF R/O VILLAGE- GARIHA, P.S.-
NARPATGANJ, DISTRICT- ARARIYA
 2. SANJIV KUMAR MANDAL @ SANJIV MANDAL SON OF
KEDARNATH MANDAL R/O VILLAGE- SALOPUR, P.S.- KALKA,
DISTRICT- KATI HAR
 3. CHANDAN YADAV SON OF HARIYOD YADAV R/O VILLAGE-
BAHORWA, P.S.- KUSHESHWAR (STHAN), DISTRICT- DARBHANGA
 4. MD. ALAMGIR SON OF MD. IMTEYAZ R/O VILLAGE-
PARAMBASANT, P.S.- TARIYANI, DISTRICT- SHEOHAR
 5. SUSHIL MANDAL SON OF LATE FEKAN MANDAL R/O VILLAGE-
RASULPUR DHURIYA DIMHA, P.S.- CHAUSA, DISTRICT-
MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Advocate
For the Opposite Party/s : Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 16-03-2023 Heard learned counsel appearing on behalf of the

parties.

Let the defect(s), if any, be removed within a period of

four weeks from today.

The petitioners seek bail in connection with

Muzaffarpur Rail P.S. Case No. 216 of 2022 registered for the

offence under Sections 370(v) of the Indian Penal Code, Section

79 of the Juvenile Justice Act, 2015 and Section 14(1) of the Child

Adolescent Labour (Prohibition & Regulation) Act, 1986.



The accused/petitioners are named in the F.I.R. and are in custody since 18.08.2022.

The allegation against the petitioners is to involved in human trafficking and involved in child bondage practice, where, 12 minor child were rescued from petitioner and other co-accused persons, while they were in boarding process at Muzaffarpur railway station for Amritsar, Punjab.

Learned counsel appearing on behalf of the petitioners submitted that alleged minor children were belongs to weaker sections of the society and they were allowed to accompanied with these petitioners and other co-accused persons for job in Amritsar by their respective parents. It is submitted that exact numbers of minor cannot be ascertained from the face of FIR, who were alleged to be rescued by Railway Police Force, and as such offence alleged under Section 370 (5) of the Indian Penal Code is not appearing convincing. It is also submitted that to attract above provisions, engagement of child and kept them in bondage for the purpose of employment for earnings and uses their earnings for the purpose by accused persons are some of the essential ingredients which required for offence alleged under Section 79 of the Juvenile Justice Act, 2015. It is also submitted by learned counsel that one of the co-accused person, namely, Ejaj Alam @ Md. Ejaj Alam has already granted bail by one of the learned co-ordinate



Bench of this Court through Cr. Misc. No. 66532 of 2022 dated 25.02.2023. While concluding the argument, it is submitted that petitioners are men of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as nothing incriminating surfaced/recovered, during course of investigation, which may suggest, *prima facie*, that child in issue were kept in bondage, where, petitioners are men of clean antecedent coupled with the fact that charge-sheet has already been submitted, let all these petitioners, above named, are directed to be released on bail in connection with Muzaffarpur Rail P.S. Case No. 216 of 2022, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Railway Divisional Judicial Magistrate, Sonpur/concerned court, subject to the condition as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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