

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72242 of 2022

Arising Out of PS. Case No.-865 Year-2022 Thana- JAHANABAD District- Jehanabad

BADSHAH ALI S/O KALAMUDDIN TELOR @ KAMRUDIN TELOR
Resident of villag- Sahar Telor, P.S.- Karpi, Distict- Arwal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 23-03-2023 Heard learned counsel for the petitioner and
learned APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 370(a)/34 of the Indian Penal Code, Sections 3, 4, 5, 6 of Immoral Trafficking Prevention Act and Section 8 of the POCSO Act.

As per prosecution case, the informant being a police official, after receiving a secret information of Immoral trafficking, raided the Omkara rest house and Sheo Sitya rest house. It is further alleged that some boys and girls were recovered in unwanted condition. The petitioner is also alleged to be recovered from the aforesaid rest house.

Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. He has falsely been implicated in this case. It is further submitted that the petitioner and victim have got engaged for marriage and they were known to each other. The victim is also major, aged about 20 years which is explicit from her Aadhar Card hence, the offence under POCSO Act is not made out. A statement has been made in para-3 of the petition that the petitioner has got no criminal antecedent. Moreover, similarly situated co-accused namely, Rohit Raj has already been granted bail by a co-ordinate Bench of this Court vide order 9.2.2023 passed in Cr. Misc. No. 69392 of 2022. It is further submitted that the petitioner is languishing in judicial custody since 13.9.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Jehanabad P.S. Case No. 865 of 2022 on furnishing bail bond of Rs.10,000/- (ten



thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-I-cum-Special Judge POCSO Act, Jehanabad.

(Sunil Kumar Panwar, J)

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