

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 72303 of 2022

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

1. KHUSHBU KHATOON Wife of Vikash Chauhan R/v- Boha Tola, Ward No. 9, Islampur Road, P.S.- Sitamarhi, District- Sitamarhi
2. PAYAL KHATOON D/o Md. Mausen Alam R/v- Boha Tola, Ward No. 9, Islampur Road, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr Binod Kumar, 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 a minor girl was recovered from the house of petitioner No 1. Allegation against petitioner No 2 is of aiding co-accused persons in illicit activities.

It is submitted by the learned counsel for the petitioners that from the allegations levelled against petitioner No 1 in the First



Information Report (For brevity, **FIR**), it is obvious that no person was arrested from her room. Therefore, the allegation of any flesh trade carried on from the room in question is unfounded. In so far as petitioner No 2 is concerned, it is submitted that the allegation in the FIR is of aiding other accused persons. Other than such allegation, based on suspicion, there is no material whatsoever against the petitioners, even as per FIR. The petitioners have no antecedent and are in custody since 05.08.2022. Co-accused Tarannum Barsi, Seema Khatoon, Md Shamim @ Md Shamim Sah, Md Firoz, Nafisa Khatoon and Shahnaj Praveen @ Rita Khatoon @ Shahnaj Khatoon @ Rita have already been granted bail by this Court by order 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 63863 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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