

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 1452 of 2023

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

1. NAFISA KHATOON W/o Manjur Khalifa R/o Village- Boha Tola, Ward no. 9, Islampur Road, P.S- Sitamarhi, Distt- Sitamarhi.
2. Shahnaj Praveen @ Rita Khatoon @ Shanaj Khatoon @ Rita D/o Late Shankar Khalifa R/o Village- Boha Tola, Ward no. 9, Islampur Road, P.S- Sitamarhi, Distt- 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 Raj Kishor Singh, 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 two minor girls were recovered from the house of co-accused persons.

It is submitted by the learned counsel for the petitioners that the petitioners are not named in the First Information Report. Co-accused Manzoor Khalifa, in his confessional statement recorded in police custody, has stated about the petitioners' (family members) involvement in the flesh trade. They were not present at the time of



alleged raid and had not been arrested fromd that place. In similar way, the petitioners were also made accused in Sitamarhi PS Case No 598 of 2021 in which they are on bail. In the instant case, they are in custody since 23.08.2022. Co-accused Tarannum Barsi, Seema Khatoon, Md Shamim @ Md Shamim Sah, Md Firoz, Khushbu Khatoon and Payal Khatoon have already been granted bail by this Court by orders 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 72303 of 2022.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody 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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