

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74198 of 2022

Arising Out of PS. Case No.-868 Year-2017 Thana- KHAJANCHI HAT District- Purnia

Husna Khatoon @ Kaili Khatoon Wife of Late Raj Kumar Dinakar @ Late Rajuddin
Resident of Mohalla- Murliganj Gaushala Chowk, P.S- Murliganj, Dist- Madhepura,
Presently resided at Hardabazar, P.S- K. Hat(Maranga), Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 03-03-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Supplementary Special Case No. 33/2018 arising out of K. Hat (Maranga) P.S. Case No. 868 of 2017 registered for the offences punishable under Section 376 of the Indian Penal Code and Sections 3, 4, 5 and 6 of the Immoral Trafficking Act.

As per the prosecution, the informant (victim) alleged that she was trafficked by one namely Sipahi and was forcefully indulged in flesh trade practice by the FIR named accused



persons.

The main submissions advanced by petitioner's counsel are that the petitioner has fair and clean antecedent and there is a serious contradiction in between the allegation of the FIR and statement of the victim recorded under Section 164 of Cr.P.C. and the victim neither in the FIR nor in her statements recorded under Sections 161 and 164 of Cr.P.C., disclosed the name of this petitioner and there is no allegation by the victim that the petitioner in any way or in any manner pressurized her to indulge in immoral activities and the co-accused persons namely Rubiya Khatoon and Salman Nut have been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 25.04.2018 passed in Cr. Misc. No. 18032/2018 and another co-accused namely Manish Khalifa @ Fantush has been granted regular bail by another co-ordinate Bench of this Court vide order dated 28.11.2018 passed in Cr. Misc. No. 66228/2018 and the case of this petitioner stands on better footing from the said co-accused persons. As per the FIR, the alleged incidence began one year back from the institution of the FIR but during the period of said one year, the victim did not raise any alarm or tried to protest the activities of the co-accused persons either in patna, Gaya or Katihar where she was forced by the accused persons for practice of immoral activities. Further submission is



that the petitioner has been languishing in jail since 23.11.2022.

Learned APP appearing for the State has opposed the bail prayer.

Considering the aforesaid facts and mainly the privilege of anticipatory bail and regular bail granted to the co-accused persons mentioned-above and the custody period of the petitioner, who is a lady and also the fact that as per the order impugned, the victim did not name this petitioner in her statements under Sections 161 and 164 of Cr.P.C. and learned Court below while rejecting the prayer of this petitioner mainly placed reliance upon the confessional statements of this petitioner and co-accused persons, in respect of the involvement of the petitioner in immoral activities, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Supplementary Special Case No. 33/2018 arising out of K. Hat (Maranga) P.S. Case No. 868 of 2017.

(Shailendra Singh, J)

annu/-

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

