

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74913 of 2022

Arising Out of PS. Case No.-307 Year-2020 Thana- BALIYA District- Begusarai

NITU KUMARI Wife of Dipu Khalifa Resident of Village - Ward No.- 14,
Saligrami, Sallgrami, Mohanpur, P.S.- Sahebpur Kamal, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 17585 of 2023

Arising Out of PS. Case No.-307 Year-2020 Thana- BALIYA District- Begusarai

1. PRITI DEVI Wife of Talim @ Talim Khalipha Resident of Village - Red Light Area Khajubanni, P.S.- Town, District - Sitamarhi.
2. Md. Talim @ Talim Khalipha Son of Md. Anju Resident of Village - Red Light Area Khajubanni, P.S.- Town, District - Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74913 of 2022)

For the Petitioner/s : Mr.Pritish Kumar Lal, Adv.

For the Opposite Party/s : Mr.Aditya Narayan Singh.1, APP

(In CRIMINAL MISCELLANEOUS No. 17585 of 2023)

For the Petitioner/s : Mr.Hans Lal Kumar, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-07-2023 Heard learned counsel for the petitioners and the

learned A.P.P. for the State.

The petitioners seek bail in connection with Ballia

P.S. Case No. 307 of 2020 registered for the offence under

Sections 370, 368, 365, 354(A), 346, 370(A) and 376 of the



Indian Penal Code and Sections 3, 4, 5 and 6 of the Immoral Traffic Act.

The informant is subjected to sexual exploitation under the influence of medicine at the instance of the petitioners.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., against the petitioners is false and fabricated and the petitioners have not committed any offence. Moreover, the co-accused, namely, Soni Devi and Rahul Kumar have already been granted bail by a co-ordinate Bench of this Court vide order dated 14.07.2021 and 11.04.2022 passed in Cr. Misc. No.21864 of 2021 and passed in Cr. Misc. No. 47494 of 2021. The petitioner, namely, Nitu Kumari, who is of clean antecedent, is rotting in judicial custody since 17.10.2022 and the petitioner, namely, Priti Devi, who is also of clean antecedent, and Md. Talim @ Talim Khalipha are languishing in judicial custody since 14.02.2022.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the petitioner, Md.



Talim @ Talim Khalipha carries one more case other than the present one whereas the petitioners namely, Nitu Kumari and Priti Devi are having clean antecedent.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail, after framing of charge, on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Begusarai in connection with Ballia P.S. Case No. 307 of 2020 with the following conditions:-

(1) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be canceled by the Court below.

(2) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed



their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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