

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17090 of 2024

Arising Out of PS. Case No.-649 Year-2023 Thana- SITAMARHI District- Sitamarhi

Rani Khatoon Wife of Manjoor Khaliffa R/o Village- Boha Tola, P.S. and
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 18-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Sitamarhi P.S. Case No. 649 of 2023 dated 16.08.2023,
instituted for the offence punishable under Sections 363, 365,
366A, 370, 370(A), 372, 373, 376, 120(B)/34 of the Indian
Penal Code and Sections 3, 4, 5 & 6 of Immoral Trafficking Act.

3. The prosecution case, in short, is that informant,
who is the officer-in-charge of the Town police station at
Sitamarhi, was on patrolling along with other police personnel,
he got information that flesh trading is going on in the house of
Manjoor Khalifa by his wife namely Rani Khatoon and brother



namely, Ramjan and they have brought girls from outside. A raiding team was constituted and they reached near the house of Manjoor Khalifa, where one minor girl came to the police; she was weeping and told that she belong to the State of Assam and flesh trading is being done by the inmates of this house.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that victim is a major girl as per the birth certificate issued by the Government of Assam and, as such, no case is made out under the POCSO Act. It is next stated that the victim girl herself was working in a hospital as a nurse and she came to Sitamarhi with the consent of the guardian and as such, no case has ever been lodged by the parents of the victim girl. It is next submitted that statement of victim girl has been recorded under Section 164 Cr.P.C. and she had not supported the factum of putting her in flesh trade and she has only made statement that she came to Sitamarhi with the petitioner and she is a resident of Assam and was unable to disclose anything else. It is also submitted that petitioner is an advanced age lady of about 60 years. Lastly, it has been submitted that petitioner has one criminal case against her.

5. Learned A.P.P. has opposed the prayer for bail of



the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Sitamarhi P.S. Case No. 649 of 2023, she shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge VI-cum-Special Judge (POCSO), Sitamarhi, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.



4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

Sankalp/-

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