

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19335 of 2024

Arising Out of PS. Case No.-392 Year-2022 Thana- DUMRA District- Sitamarhi

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Kishan Kumar @ Mona Singh Son Of Santosh Kumar @ Santosh Sharma
Resident Of Village- Muradpur, Ward No. 12, PS- Dumra, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar, Advocate

For the Opposite Party/s : Ms. Anita Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 10-04-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in Dumra P.S. Case No. 392 of 2022, instituted for the offences punishable under Sections 363, 365, 366(A), 370, 370(A), 372, 373, 376, 120(B) of the Indian Penal Code, Sections 3, 4, 5, 6 of the Immoral Trafficking Act, Sections 4/6 of the POCSO Act and Sections 75/79 of the Juvenile Justice (Care and Protection of Children) Act.

3. The prosecution case, in short, is that, the petitioner and the co-accused persons are alleged to have engaged with minor girl in illegal flesh trading and prostituting on the pretext of alluring money.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Name of the petitioner has transpired on the basis of confessional statement of co-accused Chandani Kumari. The allegation levelled against the petitioner is not specific, rather general and omnibus in nature. The petitioner is in custody since 10.11.2023 and has got five criminal antecedents in which the petitioner is on bail in four cases. Learned counsel for the petitioner further submits that similarly situated co-accused have been granted bail by Co-ordinate Benches of this Court vide order dated 22.03.2022 passed in Cr. Misc. No. 63801 of 2022, order dated 27.04.2023 passed in Cr. Misc. No. 3316 of 2023, order dated 30.08.2023 passed in Cr. Misc. No. 56270 of 2023 and has been granted bail by this Court vide order dated 21.12.2023 passed in Cr. Misc. No. 80871 of 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case, claim based on parity and taking into account the



period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Dumra P.S. Case No. 392 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

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