

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23898 of 2024

Arising Out of PS. Case No.-1419 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Samina Khatoon Wife of Late Irfan Resident of Village- Harda, P.S.- K. Hat
(Maranga), Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 30551 of 2024

Arising Out of PS. Case No.-1419 Year-2023 Thana- KHAJANCHI HAT District- Purnia

Rani DAUGHTER OF MUKUL RESIDENT OF VILLAGE- NAYA GAON,
PS- HAJIPUR, DIST- HAJIPUR , VAISHALI Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 23898 of 2024)

For the Petitioner/s : Mr.Jitendra Kumar Giri, Adv.

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary, APP

(In CRIMINAL MISCELLANEOUS No. 30551 of 2024)

For the Petitioner/s : Mr.Ram Prawesh Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 06-09-2024 Since both the aforesaid bail petitions arise out of

same PS Case, they are being heard and disposed of together by

a common order.

2. Both the petitioners/ladies are in judicial custody in

connection with K. Hat (Maranga) P.S. Case No. 1419 of 2023

for the offence punishable under sections 346, 367, 370, 370(A),

372, 373, 376, 120(B), 34 of I.P.C. and 4/6/12/17 POCSO Act &

3/4/5 ITP Act & 75/79 J.J. Act lodged on 28.12.2023 by the



informant, Shyamnandan Yadav.

3. As per the prosecution story, the informant who is posted with the K. Hat (Maranga) Police Station in the District of Purnea, upon the direction of the Superintendent of Police, Purnea, earlier sent policemen who posed themselves as the customer in the house of Najma Khatoon, accepting them as customer, they were taken and then the signal was given which followed the raid. Though, some of the girls as also the men present there managed to escape, number of girls were present there along with the men. One of the girl, 15 years old 'X' informed the police that while she was returning from her maternal grand-mother's place to her home, three people, two women and a male person surrounded her, sat with her, chatted and lured her that a good job will be handed over to her. When she came to the house of Najma Khatoon, she was forced to make physical relationship and upon objection was threatened with dire consequences. Same was the story with a 13 years old girl 'Y'. Number of articles used for physical relationship were present in the rooms so raided. The girls whose statement is part of the F.I.R. have named these petitioners too. Accordingly, the F.I.R.

4. Learned counsel for the petitioner submits that she



has already suffered having been lured by those, who were allegedly running the racket, has no criminal antecedent and is in custody since 28.12.2023 (para 16 of the petition).

5. So far as, petitioner of Cr. Misc. No. 30551 of 2024 is concerned, the point raised is that, she was trapped in the racket, has no criminal antecedent and has suffered by remaining in custody since 21.02.2024 (para 18 of the petition).

6. Learned APP opposes the prayer submitting that the petitioners were indulged in dealing with the customers intoxicating the atmosphere of the locality, allegation is there, FIR has been lodged.

7. Learned counsels for the two petitioners have further undertaken that the ladies will be diligently appearing in the trial, have remained in custody since 28.12.2023 and 21.02.2024 respectively having no criminal antecedent, this Court is inclined to extend them the relief.

9. Let the petitioners, named above, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VI, cum Special Judge (POSCO), at Purnea, District-Purnea, in connection with K. Hat (Maranga P.S. Case No. 1419 of 2023 subject to the following



conditions:

(i) one of the bailors should be the family member/relative of the petitioners who shall provide official document to show their *bona fide*;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of their bail bonds.

(Rajiv Roy, J)

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