

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 46063 of 2024

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

Md. Shambhu @ Shambhu Alam @ Shambhu Son of Late Khattar Miyan
R/O Vill.- Abdullah Nagar, P.S.- Sadar, Dist.- Purnea

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Hussain, Adv.
For the Opposite Party/s : Mr. Rajendra Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with K. Hat (Maranga) P.S. Case No. 1419 of 2023 for the offence under Sections 346, 367, 370, 370(A), 372, 373, 376, 120(B) and 34 of the I.P.C. read with Sections 4, 6, 12 and 17 of the POCSO Act, 2012 and Sections 3, 4, 5 and 6 of the Immoral Traffic Protection Act and Sections 75 and 79 of the J.J. Act lodged on 28.02.2023 by the informant, Shyamanand Yadav.

2. 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 lure 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 this person to be one of them, who used to snatch the money which was handed over to them by the customers. The house of the present petitioner was also raided and the seizure list was prepared which followed the F.I.R.

3. Learned counsel for the petitioner submits that there are number of accused persons, he being one of them and in that background, it cannot be said that he was also indulged in the immoral traffic from which the minor girls have been recovered. He further submits that the petitioner do not have criminal antecedent.

4. Learned APP opposes the prayer submitting that a bare perusal of the F.I.R. would show that they used to sit in the bus, lure the girl moving alone on the pretext of providing job and once she used to come to their home, was forced into prostitution. He further submits that the offence alleged in the F.I.R. is grave, the petitioner is named and in that background, no relief can be granted.

5. This Court has gone through the F.I.R., it was lodged on the basis of the direction of the Superintendent of Police, Purnea, policemen confirmed it by becoming customer and only thereafter, the raid was made and the girls recovered along with the men with whom they were forced to make physical relationship. The petitioner is named in the F.I.R. and he has chosen to move this Court after months. No relief can be granted and, therefore, the present anticipatory bail application stands rejected.

(Rajiv Roy, J)

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