

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72658 of 2024

Arising Out of PS. Case No.-97 Year-2024 Thana- SASARAM RAIL P.S. District- Gaya

Amirul Islam Maula @ Amirul Islam S/O Jakir Hussain @ Jakir Hussain Molla Haski @ Jaki Hossen Molla @ Jakir Hussain Molla Resident of village- Hachki, P.S- Dholla, Distt.- 24 Pargana (West Bengal), Presently resident of Ramdeopur, P.S- Kalpi, Distt.- South 24 Parganas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Choubey Jawahar

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

2 17-10-2024 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody in a case registered for the offences punishable under Section 143 of the Bhartiya Nagrik Suraksha Sanhita, 2023 and Section 79 of the Juvenile Justice(Care and Protection of Children) Act, 2015.

The prosecution case as per F.I.R is that while checking on Sasaram Railway Station under operation “Aahat”, at Platform No. 2, some minors were sitting in suspicious condition along with this petitioner. On

inquiry, the petitioner disclosed that he was taking away the children for child labour in Jaipur and on his identification, other persons were also arrested.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. As per impugned order, it was mentioned that maternal uncle of the petitioner is residing at Jaipur and the petitioner and four children were going to Jaipur for a trip and the petitioner was going with the four children with the consent of their guardians. He further submits that all the children were fully acquainted with Hindi language but they have disclosed nothing as alleged in the F.I.R and the parents of the children had no grievance, if the petitioner is granted bail as the guardians of the children have also filed an affidavit in this regard before learned Court below. The petitioner is languishing in custody since 09.07.2024.

In contra, learned A.P.P appearing on behalf of

the State has vehemently opposed the prayer for bail of the petitioner.

Considering the facts aforesaid and the period under custody as also the fact that no statement of the children was recorded, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Railway, Gaya in connection with Sasaram G.R.P.S Case No. 97 of 2024, subject to the condition that (i) one of the bailors will be the close family member petitioner (ii) petitioner will physically present on each and every date before the trial Court till framing of the charge.

Shageer/-

(S. B. Pd. Singh, J)

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