

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85513 of 2023

Arising Out of PS. Case No.-69 Year-2023 Thana- RAJEPUR District- East Champaran

Anuj Rai Son of Rameshwar Rai Resident of Village - Jagdishpur, P.S. -
Tariyani, District - Sheohar

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar. Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner is apprehending his arrest in connection with Rajepur P.S. Case No. 69 of 2023, registered on 05.04.2023 for the offences under Sections 354B, 370, 371, 372/34 of the Indian Penal Code.

3. As per prosecution case, on receiving information about human trafficking and two girls being forcibly kept by co-accused Subodh Prasad Yadav at his house, a raid was conducted and two girls were recovered. Two other co-accused persons were also apprehended. The name of the petitioner transpired during investigation for also being involved in human trafficking of the girl.

4. Learned counsel for the petitioner submits that



the petitioner is innocent and has falsely been implicated in this case. The petitioner is not named in the FIR and nothing incriminating has been recovered from the possession of the petitioner. The name of the petitioner sprang up on the basis of confessional statement of co-accused Manish Kumar, who has been granted regular bail by a Co-ordinate Bench vide order dated 21.09.2023 passed in Cr. Misc. No. 53973 of 2023. Learned counsel further submits that one of the victims did not name this petitioner in her statement recorded under Section 164 Cr.P.C.. Though the name of the petitioner transpired in statement of another girl recorded under Section 164 Cr.P.C. but there is no direct allegation and the learned Additional Sessions Judge 19 in his rejection order has wrongly mentioned that the petitioner sold the victim to other co-accused Subodh. This fact is incorrect. Learned counsel further submits that the petitioner is a musician and works in a music company being run by co-accused Subodh Prasad Yadav along with co-accused Manish Kumar who is no inimical term with the petitioner. The petitioner has got no criminal antecedent.

5. Learned APP opposes the submission made on behalf of the petitioner.

6. Having regard to the facts and circumstances



and submissions made on behalf of the parties and considering the non-specific allegation against the petitioner and further considering the possibility of false implication, let the petitioner above named, in the event of his arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bonds of Rs.20,000/- (Rupees Twenty Thousand Only) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Sadar, East Champaran at Motihari/concerned court in connection with Rajepur P.S. Case No. 69 of 2023, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below, if so required by the learned trial court.

However, before accepting the bail bonds of the petitioner, the learned court below will verify from the statement of the victim Vishnu Maya Tamang recorded



under Section 164 Cr.P.C. whether she has made any allegation against the petitioner that the petitioner has sold the victim to other co-accused person and if the said allegation is found in her statement then the bail bonds of the petitioner will not be accepted.

(Arun Kumar Jha, J)

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