

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3268 of 2024**

Arising Out of PS. Case No.-379 Year-2023 Thana- PUPRI District- Sitamarhi

Rahmat Ansari Son of Abbash Ansari R/o vill - Rasalpur, P.S. - Bajpatti, Distt.
- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 4403 of 2024

Arising Out of PS. Case No.-379 Year-2023 Thana- PUPRI District- Sitamarhi

Ayan Khan @ Md. Salman S/o Sabir Khan @ Md. Jhir @ Md. Jahir @
Mohammad Zaheer Ahmad R/o Village- Rarhi Ward No.10, P.S.- Jale, Distt.-
Darbhanga, at parestent resident of Village - Souriya , P.S. - Nanpur, Distt-
Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 3268 of 2024)

For the Petitioner/s : Mr.Virendra Kumar

For the Opposite Party/s : Mr.Zainul Abedin

(In CRIMINAL MISCELLANEOUS No. 4403 of 2024)

For the Petitioner/s : Mr.Md Ansiur Rahman

For the Opposite Party/s : Mr.Madhuri Lata

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 31-01-2024 Learned counsel for the petitioner, Ayan Khan @ Md.
Salman is allowed to make necessary correction in paragraph
no. 16 of Cr. Misc. No. 4403 of 2024.

Heard learned counsel for the petitioners and
learned A.P.P. for the State.



The petitioners seek bail in connection with Pupri P.S. Case no. 379 of 2023 registered for the offences punishable under Sections 354, 342, 120(B) of the Indian Penal Code and Section 4/6 of POCSO Act and Sections 3/7/8 of Immoral Traffic Prevention Act 1956.

As per prosecution case, police officials raided a house, in which prostitution was going on and the petitioners were apprehended along with two other girls in objectionable position.

Learned counsel for the petitioners submits that petitioners are innocent and have committed no offence as alleged in the FIR and they have falsely been implicated in this case. It is further submitted that there is no iota of evidence, during course of investigation to connect the present petitioners with the alleged occurrence. In light of facts and circumstances of the case, no case is made out against the petitioners under POCSO Act. Co-accused Nagendra Kumar Shah on similar and identical allegation has already been granted bail by a co-ordinate bench of this court vide Cr. Misc. No. 1837 of 2024. On the principle of parity petitioner also deserves bail. Petitioners are in custody since 05.09.2023. Learned counsel orally submits that chargesheet has already been submitted and



there is no likelihood of tampering with the prosecution evidence. Petitioner Rahmat Ansari bears no criminal antecedent and petitioner Ayan Khan @ Md. Salman has got one criminal antecedent.

The learned A.P.P. for the State opposes the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, period of custody, co-accused has already been granted bail, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioners above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand), each with two sureties of the like amount each to the satisfaction of learned 6th Additional Sessions Judge-cum-Special Judge (POCSO Act) Sitamarhi in connection with Pupri P.S. Case no. 379 of 2023, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioners will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioners tamper with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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