

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12580 of 2025

Arising Out of PS. Case No.-736 Year-2024 Thana- BASANTPUR District- Siwan

Md. Aslam @ Asalam Son of Late Mogal Miyan village- Maghar, P.S.-
Bhagwanpur Hat, Dist- Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Laxman Kumar Diwakar , PSI, Bashantpur P.S., Dist- Siwan Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 23-04-2025 Heard learned counsel for the petitioner and the
learned Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail in connection with
Basantpur P.S. Case No. 736 of 2024, registered for the offences
punishable under Sections 143(1), 145, 98, 3(5) of B.N.S. and
Section 8 of the POCSO Act and Section 75, 79 of J.J. Act and
Section 3, 4, 5 and 6 of the I.T.P. 1956 and 16, 17 and 18 of
Bonded Labour System (Abolition) Act, 1976.

3. The prosecution case in short is that police on a
letter dated 08.01.2024 of an NGO conducted a raid at two
orchestra company and found that the proprietor of one of the
company Md. Akshay had locked four minor girls while another
proprietor Md. Aslam (petitioner) had locked four minor girls in



his room. The girls were recovered and the police forward the two arrested persons including the petitioner to custody.

4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and has not committed any offence as stated in the FIR. Learned counsel further submits that from perusal of the Annexure-2, it would suffice that the girls as well as their guardians have filed a compromise petition before the Court below stating therein that the prosecution story is false and the petitioners have falsely been implicated in this case. Learned counsel further submits that even during the investigation, the recovered girls had not supported the prosecution case in their statements given under Section 164 Cr.P.C. as well as under Section 161 Cr.P.C. Lastly, it has been submitted that the petitioner carries clean antecedent and he is in custody since 23.11.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail and has stated that the petitioner is involved in making minor girls work in his orchestra and hence, he should not be enlarged on bail.

6. Considering the aforesaid submissions made by the parties and taking into account the fact that the victim girl and their guardian they both have not supported the prosecution



case, have filed a petition before the Court below of compromise and also the fact that the girls during investigation, have also given statement that the petitioner was not in any way involved in the alleged crime, I am inclined to grant the petitioner privilege of regular bail.

7. Accordingly, the prayer for bail is allowed.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the court of learned Exclusive Court of POCSO, Siwan, in connection with Basantpur P.S. Case No. 736 of 2024.

(Sourendra Pandey, J)

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