

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26778 of 2024

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

Nazra Khatoon W/O Md. Akbar R/O Vill. - Hatia Bazar Banmankhi, P.S -
Banmankhi, District - Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shayam Nandan Yadav S/o Sitaram Yadav Police Inspector, P.S. - K. Hat,
Distt. - Purnea
3. Priya Kumari D/o Jai Narayan Sahni R/o vill - Muzaffarpur, P.S. -
Madhuban, Distt. - Muzaffarpur
4. Juli Praween D/o Md. Firoz R/o Kaluzar, P.S. - Chakmehsi, Distt -
Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Ram Prawesh Kumar, Advocate Ms. Diksha Kumari, Advocate
For the Opposite Party/s :		Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 10-01-2025 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and the State.

2. The petitioner is in custody in connection with K.
Hat (Maranga) P.S. Case No. 1419 of 2023 instituted under
Sections 346, 367, 370, 370(A), 372, 373, 376, 120(B)/34 of the
IPC, Sections 4, 6, 12, 17 of the POCSO Act and 3,4,5,6 of the
I.T.P Act as well as 75, 79, of the J.J. Act, lodged on
28.02.2023 by the informant, Shyamanand Yadav.

3. 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, a number of girls were present there along with the men. One of the girls, 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 lured 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'. A number of articles used for physical relationship were present in the rooms so raided. The house of one Md. Shambhu @ Sambhu Alam @ Shambhu was also raided and the seizure list was prepared which followed the F.I.R.

4. Learned Senior counsel for the petitioner submits that no role has been assigned to this petitioner though the name has cropped up in the FIR, she is a lady having no criminal antecedent and is in custody since 28.12.2023 (para-13 of the



petition). The last submission is that the co-accused, Najma Khatoon & others have been granted bail in Cr. Misc. No. 23644 of 2024 and analogous cases on 23.08.2024 by this Court as well as another co-accused, namely, Ruksana Khatoon @ Shiwani has been granted anticipatory bail by this Court in Cr. Misc. No. 64741 of 2024 on today itself (10.01.2025).

5. Learned APP opposes the prayer submitting that her name has come in the FIR.

6. Taking into account the aforesaid facts as also the police after verification raided the place, the statement of the girls were recorded, they narrated their ordeal, from the same, it reflects that Najma Khatoon who remained in custody for six months and was an aged lady, granted bail, this petitioner is also a lady having no criminal antecedent and an undertaking has been given that she shall be appearing in the trial diligently and further this petitioner has suffered by being in custody for more than a year, this Court is inclined to extend her the privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each in connection with the aforesaid PS Case to the satisfaction of learned 6th Additional Sessions Judge-cum-



Special Judge POCSO, Purnea, subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions:-

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of her bail bonds.

(Rajiv Roy, J)

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