

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33940 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- RAXAUL District- East Champaran

- 1. Rajesh Kumar S/O Sri Brij Kishore Raut Resident of Village- Khaira Patti, P.S- Khaira, District- Saran at Chhapra, Bihar.
- 2. Jitendra Kumar @ Jatendra Kumar S/O Rajeshwar Rai R/O Village- Kamalpur, P.S- Garkha, Distt.- Saran at Chhapra, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 37804 of 2025

Arising Out of PS. Case No.-69 Year-2025 Thana- RAXAUL District- East Champaran

Santosh Kumar Ram S/O Shiv Kumar Ram R/O Village- Chai Chhapra, P.S- Bairiya, Distt.- Baliya (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 33940 of 2025)
For the Petitioner/s : Mr. Yashraj Bardhan, Advocate
Mr. Rananjay Kumar, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP
(In CRIMINAL MISCELLANEOUS No. 37804 of 2025)
For the Petitioner/s : Mr. Ravindra Kumar Ravi, Advocate
Mr. Amit Kumar Anand, Advocate
Mr. Hira Sharma, Advocate
Ms. Bharti Kumari, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-09-2025 Since both the applications arise out of Raxaul P.S.

Case No. 69 of 2025, as such, they have been taken up together

and are being disposed of by this common order.

02. Heard learned counsels for the petitioners and



learned APPs for the State.

03. In the present case, the petitioners seek bail in connection with Raxaul P.S. Case No. 69 of 2025 registered for the alleged offences under Sections 137(2), 140(3), 144, 3(5) of Bharatiya Nyaya Sanhita, 2023.

04. As per prosecution case, petitioners-Rajesh Kumar and Jitendra Kumar were found trafficking two Nepalese girls from Nepal to India and they were apprehended when their vehicle was intercepted. Petitioner-Santosh Kumar Ram is stated to be the driver of the vehicle.

05. Learned counsel for the petitioners-Rajesh Kumar and Jitendra Kumar submits that the petitioners are innocent and have been falsely implicated in this case. From the FIR, it is clear that no offence of kidnapping is made out against the petitioners and no offence of trafficking is also made from the facts of the case. These petitioners were not involved in any activity of alluring the Nepalese girls to go to any place and only offence alleged is that they were sitting in the same vehicle along with two co-accused ladies and these two Nepalese girls. Even if any allegation of human trafficking has been made, the same would hold only against co-accused Dinesh Sah and Sanjeet Kumar Yadav and not against these petitioners. The



petitioners were not involved in any overt act either of human trafficking or for doing any wrongful act with the Nepalese girls. These petitioners are in custody since 15.02.2025 and charge-sheet has been submitted. The petitioner no. 2 is having clean antecedent whereas petitioner no. 1 is having antecedent of one case and he is on bail in that case.

06. Learned counsel appearing on behalf of petitioner- Santosh Kumar Ram submits that from the FIR, it is clear that this petitioner has no role in trafficking of the girls. He is the driver of the vehicle and he had been acting upon the instructions of the owner of the vehicle, Satyendra Kumar Singh, who told him to pick vehicle to Raxaul on hires. Learned counsel further submits that this petitioner has no other concern with the girls said to be trafficked or the co-accused persons. The petitioner was not knowing about the passengers. The petitioner is having clean antecedent. The petitioner in custody since 15.02.2025 and charge-sheet has been submitted.

07. Learned APPs for the State oppose the submission made on behalf of the petitioners.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the vague nature of allegation and also considering the period of



custody of the petitioners along with submission of charge-sheet, the petitioners above named are directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Raxaul at Motihari/court concerned in connection with Raxaul P.S. Case No. 69 of 2025, subject to the conditions mentioned in Section 480(3) of BNSS and the following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioners will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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