

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45403 of 2025

Arising Out of PS. Case No.-8 Year-2025 Thana- MAHILA P.S District- West Champaran

1. Gena Sah S/O Late Ramashish Sah R/O Village- Laukariya, PS- Bairiya, District- West Champaran, Bihar
2. Rajat Sardar @ Rajjat Kumar @ Rajat Kumar S/O Tapan Kumar @ Bhupati Sardar R/O Village-Ward no. 11, Bangal, PS-Asonpur, Distt-Sonarpur, West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar
2. [REDACTED] The Officer-In-Charge, Bettiah Mahila PS, PS-Bettiah Town, Distt-West Champaran, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mayank Mohan, Advocate

For the Opposite Party/s : Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 10-09-2025 Heard learned counsel for the petitioners and Mr. Nawal Kishore Prasad, learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 64, 65(1), 143(1), 145, 98 and 3(5) of the BNS, under Sections 6, 8 and 12 POCSO Act, under Sections 75 and 79 of the J.J. (Care and Protection of Children) Act, under Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act and under Sections 16, 17 and 18 of the Bonded Labour System (Abolition) Act.

3. The case of the prosecution is that Shivam Raj Orchestra was raided and from there one Mukesh Kumar and



Rajat Kumar (petitioner no.2) were found and during search, one minor girl was also found and on being enquired, she told that they were being forced to dance in the Orchestra and they have also sated that they were forced for immoral acts. Likewise another Orchestra was also searched and from that Orchestra Gena Sah (petitioner no.1) was apprehended and from there also one minor girl was found in a room who has disclosed that she was forced to dance in the orchestra and that they were also forced for immoral acts.

4. Learned counsel for the petitioners has submitted that during course of investigation the victims have given their statements under Section 183 of the BNSS and they have stated that they were working as dancer in the Orchestra and they were not forced to dance in any immoral act. Learned counsel for the petitioner has submitted that the statement of the victims under Section 183 of the BNSS falsifies against the petitioners. The petitioners are men of clean antecedent and are in judicial custody since 23.02.2025.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer of bail to the petitioners.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is



inclined to enlarge the petitioners on bail. The above named petitioners are directed to be released on bail in connection with Bettaih Mahila P.S. Case No. 08 of 2025 on furnishing bail bond of Rs.10,000/- (Ten Thousand) each of them with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Special Judge, POCSO, Bettiah, West Champaran.

(Ashok Kumar Pandey, J)

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