

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63650 of 2024

Arising Out of PS. Case No.-155 Year-2024 Thana- HARLAKHI District- Madhubani

Muskan Kumari @ Sahnaz Begum Wife of Anand Kumar @ Anand Paswan
R/V- Village- Tin Kothiya, Abba School Pakki Sarai, Jail Chowk, P.S.-
Mithanpura, Distt.- Muzaffarpur, at present Anand Paswan, R/O- Village-
Ram Nagar Tok, P.S.- Shraiya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

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

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

5 24-01-2025 Heard the learned Advocate for the petitioner and the
learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Harlakhi P.S. Case No. 155 of 2024,
registered for the offence punishable under Sections 370,
370(A), 372, 373 and 120(B) of the Indian Penal Code and
Section 4/5 of Immoral Traffic (Prevention) Act.

3. Allegedly, while the informant along with other
police personnels were on duty at the check-post of Indo-Nepal
Border, in the meanwhile, they noticed a Scorpio vehicle
bearing Registration No. BR07P-5155. The said vehicle was
carrying three male persons along with a women and 2 minor
girls. On enquiry, they disclosed that both the co-accused



persons seated in the vehicle have given Rs. 15,000/- to one *Rani Kumari*, in lieu thereof, she sent the petitioner along with 2 minor girls to accompany them for the purposes of prostitution. It is specifically alleged that the petitioner was indulge in trafficking of girls from India to Nepal.

4. Learned Advocate for the petitioner contended that the entire allegation revolves around one *Rani Kumari*, to whom the co-accused persons have given Rs. 15,000/- for supply of the girls, but surprisingly, the said *Rani Kumari* has not been made accused. Moreover, the petitioner was also one of the victim of the circumstances, who was going along with other co-accused persons. During the course of investigation, the statement of the minor girls has been recorded, wherein, certain allegation has been levelled against the petitioner, but her statement had knowingly not been recorded before the Magistrate under Section 164 Cr.P.C. Moreover, any statement recorded before the police, *per se*, is not admissible is the contention of the learned Advocate. It is next contended that, be that as it may, the petitioner is a lady, having fair antecedent and the present FIR has been instituted only on suspicion of her involvement in trafficking of girl. The petitioner has been incarcerated since 11.06.2024; she undertakes before this Court that she will fully



co-operate in the proceeding of the Court.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the minor girls are being used for the purposes of prostitution and there is specific allegation against the petitioner, who was accompanying the girl.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner is a lady and has been incarcerated for over a period of seven months. The investigation of the crime is complete and the charge-sheet has been submitted, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Benipatti, Madhubani in connection with Harlakhi P.S. Case No. 155 of 2024, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) She will remain present on each and every date of trial till disposal of the case.



(iii) She will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, her bail bonds will liable to be cancelled.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed her criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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