

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57342 of 2025

Arising Out of PS. Case No.-7 Year-2018 Thana- MAHILA P.S. District- Araria

Md. Islam @ Md. Islam Khalifa, S/O Late Tajuddin, Resident of Village-
Rampur North, Ward No.- 03, Police Station- Forbesganj, District- Araria
... .. Petitioner/s

Versus

1. The State of Bihar
2. Tinku Khanna, S/O Late Jatin Khanna, Resident of Apne-Aap Word Wide,
Forbesganj, Police Station- Forbesganj, District- Araria
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, APP
For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-08-2025 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 07 of 2018 registered for the offences punishable under Section 370 of the Indian Penal Code, Sections 4/6 of the POCSO Act and Sections 3,4,5 and 6 of the Immoral Traffic (Prevention) Act.

3. Allegation against the petitioner is of indulged in trafficking of women/girls, which led to the institution of the F.I.R. During the course of investigation, statement of the victims were recorded under Section 164 of the Cr.P.C. wherein the victims have not whispered anything against the petitioner, resulting into submission of the charge-sheet, showing the petitioner as innocent. However, differing with the final form, the learned trial court took cognizance of the offences, as



alleged in the F.I.R. vide order dated 20.05.2023, hence the present application for grant of anticipatory bail.

4. Learned Advocate for the petitioner submitted that during the course of investigation nothing has been found and one identically situated co-accused, namely, Jabir @ Jakir @ Md. Jakir @ Md. Jabir, who was also facing apprehension of his arrest, approached this Court in Cr. Misc. No. 24057 of 2025 wherein the learned coordinate Bench of this Court has accorded the privilege of anticipatory bail.

5. Mr. Ramesh Kumar Singh, learned Advocate for the petitioner submitted that in the said case, notice was issued to the opposite party no.2, however, he did not turn up. It is further contended that the petitioner undertakes that he will fully cooperate in the proceeding of the court.

6. On the other hand, learned APP for the State vehemently opposes the bail application and submits that besides the allegation of immoral trafficking of minor girls, the petitioner bears three criminal antecedent.

7. At this juncture, learned Advocate for the petitioner submits that out of three cases, one has been ended in Lok Adalat; and the co-accused, who accorded the privilege of anticipatory bail has also been carrying the criminal antecedent.



8. Having considered the submissions set forth by the learned Advocate for the respective parties and taking note of the fact that the police after investigation submitted final report showing the petitioner as innocent and the learned court below differing with the final report took cognizance and the case of the petitioner stands on similar footing of that of co-accused Jabir @ Jakir @ Md. Jakir @ Md. Jabir, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-VI-cum-Special Judge (POCSO), Araria in connection with Mahila P.S. Case No. 07 of 2018, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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