

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64741 of 2024

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

Ruksana Khatoon @ Shiwani Wife of Md. Kayum R/O Mohalla- Kabristan
Tola, P.S.- Sadar, District- Purnea Petitioner/s

Versus

1. The State of Bihar
2. Shyamnandan Yadav Son of Sita Ram Yadav SI cum Additional Officer in Charge, P.S.- K. Hat, Dist.- Purnea.

... .. Opposite Party/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-01-2025 Heard Mr. N.K. Agrawal, learned Senior counsel for
the petitioner and the State.

2. The petitioner is apprehending her arrest 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 girl, 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 if the FIR is seen in its totality, it is mainly against Najma Khatoon that she was running the racket of flesh trade where the innocent girls were found/the police took them away. So far as this petitioner, Ruksana Khatoon @ Shiwani is concerned, she has absolutely no concerned with it, was not present even on the spot and only because one of the girls narrated her to be the persons who handed over the victim to Najma Khatoon, the police has made accused. She is actually, Rukhsana Khatoon but



as despite inclusion of name as Shiwani, the police was in her search and got her implicated. The last submission is that the said Najma Khatoon has been granted bail in Cr. Misc. No. 23644 of 2024 on 23.08.2024 by this Court.

5. Learned APP opposes the prayer submitting that her name has been given by one of the victims.

6. Taking into account the aforesaid facts as also the police after verification raided the place, 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, this Court is inclined to extend her the privilege of anticipatory bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, 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 Act, 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 co-operate in the investigation and make himself available to the police as and when required;

(iv) 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;

(v) 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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