

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77041 of 2024

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

Kaili @ Husna Khatoon W/O Late Raj Kumar Dinkar @ Late Rajuddin
Resident of Mohalla- Murliganj Gaushala Chowk, P.S- Murliganj, District-
Madhepura, Presently resided at- Hardabazar, P.S- K. Hat (Maranga), District-
Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyamnandan Yadav, A.S.H.O., K. hat, Police Station, P.s. - K. Hat, District-
Purnea. Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Bimal Kumar, Adv. Mr. Kumar Rajdeep, Adv.
For the Opposite Party/s :		Mr. Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 14-02-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner and learned APP for 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 28.12.2023 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 Counsel for the petitioner submits that the main allegation from the FIR itself can be seen that it is against Najma Khatoon that she was running the racket of flesh trade as per the police version. She is an aged lady of sixty years having number of ailments and had no role to play. However, he



concede that the lady is having a criminal antecedent. The last submission is that Ruksana Khatoon has been granted relief in Cr. Misc. No. 64741 of 2024.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that his name has come in course of investigation.

6. Taking into account the aforesaid facts as also that the raid was at the house of Najma Khatoon, the girls were also recovered from that place, though this lady has been named in course of investigation, considering her age and also that she is a female, an undertaking has been given that she shall be diligently appearing in trial, this Court is inclined to grant her the anticipatory bail with conditions.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.D.J. 6th cum Special Judge, POCSO Act, Purnea in connection with K. Hat (Maranga) P.S. Case No. 1419 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family



members/relatives of the petitioner, who shall provide official document to show his *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 his bail bond by the Trial court itself;

(iii) 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;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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