

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78084 of 2024

Arising Out of PS. Case No.-389 Year-2022 Thana- AURANGABAD TOWN District-
Aurangabad

Sanju Devi W/O Ajay Kumar Resident of Village- Kanbahari, P.S- Muffasil,
District- Aurangabad, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Md. Samsheer S/O Pyari Nabi R/O Village- Nawadih Teli, P.S- Nagar,
Distt.- Aurangabad.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Seema Ghazala, Advocate
For the Opposite Party/s	:	Mrs. Rina Sinha, APP
For the Informant	:	None

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-07-2025 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary. Despite valid
service of notice, non appears on behalf of the informant.

2. The petitioner seeks bail in connection with Town
P.S. Case No. 389 of 2022, instituted for the offences punishable
under Sections 363, 365/34 of the Indian Penal Code, read with
Sections 8 and 12 of the POCSO Act.

3. The prosecution case, in short, is that, co-accused,
Md. Javed Khan lured the minor victim girl and handed her over
to the petitioner. It is further alleged that the petitioner has
confessed that they were trafficking her for organ trade.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner also submits that the petitioner is a lady and no specific allegation has been attributed against her. It is further submitted that specific allegation of kidnapping the minor girl is against co-accused, Md. Javed Khan. It is next submitted that the allegation of human trafficking is based on conjecture and surmises and no cogent material has been brought on record to establish the involvement of the petitioner in human trafficking. There is nothing on record to show that the victim girl was sexually assaulted. The petitioner is in custody since 30.06.2022 and has got no criminal antecedent.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner and submits that there is specific allegation of human organ trafficking against the petitioner and the petitioner has supported the same in her self-confession. It is further submitted that the victim has supported the occurrence in her statement recorded under Section 164 of Cr.P.C. Hence, the petitioner does not deserve the privilege of bail.



6. Considering the aforesaid facts and circumstances of the case, nature of accusation and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected. The trial Court is directed to expedite the Trial. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

Rajorshi/-

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