

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81847 of 2024

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

Md. Shambhu Alam @ Md. Shambhu @ Shambhu Alam, Male, aged about 55 years, Son of Late Khattar Miya Resident of Abdullah Nagar, PS- Sadar, District- Purnea

... .. Petitioner/s

Versus

1. The State of Bihar
2. Shyamnandan Yadav, Son of Sitaram Yadav, R/o- S.H.O. P.S.- K. Hat, Dist.- Purnea.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim, Advocate
For the Opposite Party/s: Mrs. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3 10-04-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with K. Hat (Maranga) P.S. Case No. 1419 of 2023 instituted for the offences under Sections 346, 367, 370, 370(A), 372, 373, 376, 120(B)/34 of the Indian Penal Code, Sections 4, 6, 12 and 17 of the POCSO Act, Sections 3, 4, 5 and 6 of the Immoral Traffic (Prevention) Act and Sections 75 and 79 of Juvenile Justice Act.

3. The prosecution case is that the FIR named accused persons including this petitioner were involved in trafficking of children and while the raid was conducted one Nazma Khatoon who was involved in human trafficking was apprehended and



one minor girl was also recovered from the house of said Nazma Khatoon.

4. It is submitted by learned counsel for the petitioner that the specific allegation is upon Nazma Khatoon and even considering her statement the petitioner is said to have association with Nazma Khatoon but there is no specific allegation against the petitioner to have been directly involved in trafficking of children. It is further submitted that no victim has come forward to state that the petitioner was in any way involved in the alleged crime. It has also been submitted that similarly situated co-accused person namely Akbar @ Chhotu Chaiwala @ Md. Akbar has been granted anticipatory bail by a Co-ordinate Bench of this Court *vide* order dated 02.07.2024 passed in Cr. Misc. No. 33017 of 2024 and the apprehended accused persons in the present case have already been granted bail by various orders passed by a Co-ordinate Bench of this Court which has been annexed as Annexure-4 series of the bail application. It is lastly submitted that the petitioner is in custody since 08.10.2024 and, as such, he should be granted benefit of bail.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and has submitted that petitioner is involved in trafficking of minor girl and she has



been recovered from the house of Nazma Khatoon, hence, the privilege of bail should not be granted to the petitioner.

6. Considering the aforesaid submissions of learned counsel for the petitioner and the fact that the petitioner was not apprehended at the place of occurrence and there is no specific allegation of him being directly involved in human trafficking as also the fact that similarly situated co-accused persons have been granted bail by a Co-ordinate Bench of this Court *vide* Annexure-4 series, I am inclined to grant the privilege of bail to the petitioner. The petitioner, abovenamed, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Special Judge (POCSO), Purnea in connection with Special Case No. 38 of 2024 arising out K. Hat (Maranga) P.S. Case No. 1419 of 2023, subject to the the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.



(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) If the petitioner is found to be engaged in any other incident of similar nature the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioner.

(Sourendra Pandey, J)

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