

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87800 of 2024

Arising Out of PS. Case No.-57 Year-2019 Thana- SITAMARHI District- Sitamarhi

1. Sallu Khalifa @ Salim Miya @ Salim, S/o Late Habib Mian @ Anwar Miyan, R/o Village- Bohatola, P.S.- Sitamarhi, District- Sitamarhi
2. Husna Khatoon @ Majhali, W/o Salim Miya @ Sallu Khalifa @ Salim, R/o Village- Bohatola, P.S.- Sitamarhi, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr. Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 21-03-2025 Heard Mr. Ashok Kumar Jha, learned counsel for the petitioners and Mr. Nitya Nand Tiwary, learned APP for the State.

2. The petitioners have prayed for bail in connection with Sitamarhi P.S. Case No. 57 of 2019 registered for the offence punishable under Sections 363, 365, 370, 370(A), 372, 373, 376, 120B and 34 of the Indian Penal Code and Sections 3, 4, 5 and 6 of Immoral Trafficking Prohibition Act.

3. The case of the prosecution is that the informant was working in Delhi in a pesticide company. When she was returning at her rented house at Delhi, she forgot the way to her house. She met a woman along with a man and a child. All of



them took her at a room and after three days they boarded her in a train for Sitamarhi. When she reached at Sitamarhi Bazar, a man named Sallu Khalifa took her on his scooty for the purpose of home cleaning at his house. On next day, Sallu Khalifa and another woman whom Sallu Khalifa called Majhali gave medicines forcefully and she was raped by 15 persons daily. When informant opposed, both of them abused and assaulted her. She anyhow managed to escape.

4. Learned counsel appearing on behalf of the petitioners has submitted that petitioners are innocent and have committed no offence. They have been falsely implicated in this case. Though the informant has stated that she has been assaulted badly and that she was being raped by 15 persons daily, but from her medical examination, it transpires that the board has opined that there is very difficult to say whether rape has occurred or not. From perusal of diary, it also transpires that no injury on her person was found. A statement has been made in para 3 of the petition that petitioners have no criminal antecedent. They are languishing in judicial custody since 23.08.2024.

5. The application for bail is opposed by learned APP for the State and submitted that in this case main thrust of



allegation is against the petitioners.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) each with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Judge, POCSO Act-cum-A.D.J.-IV, Sitamarhi in connection with Sitamarhi P.S. Case No.57 of 2019.

(Ashok Kumar Pandey, J)

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