

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 39291 of 2026

Arising out of PS. Case No.-190 Year-2026 Thana- FORBESGANJ District- Araria

Sajna Khatoon @ Sapna Khatoon @ Sapan Khatoon W/O Jamshed Alam R/O
Vill- Rampur Uttar, Ward No 03, Ps- Forbesganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANSUL

ORAL ORDER

2 17-06-2026 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in Forbesganj P.S. Case No. 190 of 2026 registered under Sections 111, 98, 99, 70(1), 115(2), 143, 3(5) of the BNS, Sections 4 and 17 of the POCSO Act and Sections 3, 4, 5, 6 of the Immoral Traffic Prevention Act and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act.

3. The allegation is that the police raided a number of houses. The petitioner is alleged to have been found in one of the houses. She is alleged to be engaged in prostitution.

4. Learned counsel for the petitioner submits that it is strange that so-called sex-workers are arrested and remanded to judicial custody, whereas there is no provision for their arrest



under the Immoral Traffic (Prevention) Act. Such arrest amounts to victimisation and is violative of their fundamental rights. He further submits that the petitioner is in custody since 04.04.2026 and has no criminal antecedent.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. This Court notes the submission of learned counsel for the petitioner that the scheme of the Immoral Traffic (Prevention) Act does not contemplate arrest of the alleged victim or sex-worker, and that continued detention in such circumstances raises a serious question going to the root of the matter. This Court does not express any final opinion on this submission at this stage. Considering, further, that the petitioner is in custody since 04.04.2026 and has no criminal antecedent, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Additional Sessions Judge VI-cum-Special POCSO Judge, Araria in connection with Forbesganj P.S. Case No. 190 of 2026.



8. It is made clear that any observation made herein is *prima facie* in nature and limited solely for the purpose of adjudication of the present bail application. Such observations shall not be construed as an expression on the merits of the case and shall not influence the trial or any other proceedings in any manner.

(Ansul, J)

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