IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43459 of 2026

CNR No. BRHC010584802026

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

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Abdul Gaffar S/o Late Dhutthar Khalifa Resident of Village- Rampur Uttar, Ward No. 11, P.S.- Forbesganj, District- Araria

... ... Petitioner/s

Versus

1. The State of Bihar
2. Satendra Kumar Gupta, S/O Arun Kumar Gupta PSI cum Add. S.H.O. Forbesganj, P.S.- Forbesganj, District- Araria

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate
For the Opposite Party/s : Mr. Rajesh Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY

ORAL ORDER

3 27-10-2026 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioners have prayed for regular bail in a case registered for the offence punishable under Sections 111, 98, 99, 70(1), 115(2), 143 and 3(5) of BNS, Sections 4/17 of POSCO Act, Sections 3, 4, 5 and 6 of Immoral Traffic (Prevention) Act, 1956 & Section 30(a) of the Bihar Prohibition and Excise Act.

3. The case of the prosecution, in short is that petitioner along with others were involved in the profession of prostitution and human trafficking.

4. Learned counsel for the petitioner has submitted

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that the petitioner is innocent and has committed no offence. He has been falsely implicated in this case. It has further been submitted that the FIR has been registered against 35 named persons and out of them, 29 were arrested. It has further been submitted that only allegation against all arrested persons including the petitioner is that all were found in suspicious condition in their houses. It has further been submitted that police have not complied Section 105 of the BNSS while making seizure. It has further been submitted that no incriminating material has been recovered from the possession of this petitioner. Learned counsel has further submitted that similarly situated co-accused person has already been granted bail by this Court vide Cr. Misc. No. 40235 of 2026. Moreover, the petitioner is languishing in judicial custody since 04.04.2026 having no criminal antecedent. Learned counsel has lastly submitted that in this case, prosecution has violated the mandatory provisions of Section 13 of the ITPA.

5. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named

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petitioner is directed to be released on bail in connection with Forbesganj P.S. Case No. 190 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District & Addl. Sessions Judge-VI- cum- Special POCSO Judge, Araria.

(Ashok Kumar Pandey, J)

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