

Court of Additional Sessions Judge V, Katihar
S.T. 223 of 2020 (IA 44/2022)
Katihar Railway PS Case no 34/2020
State versus Izhar and others

S.N	Date of order	Order with signature	Office notes as to action taken
1	2	3	4
	11-04-22	<p>A bail petition filed on behalf of the accused person namely Izhar, s/o Kasim, r/o Shikarpur, PS Balia Belone, District Katihar after supplying a copy to the prosecution. Case called out. Both the concerned sides appear. Heard the learned APP as well as learned counsel of the accused on petition dated 07.04.2022. File presented for order.</p> <p>The learned counsel of the petitioner submitted that an ABP no. 9346/2022 on behalf of the petitioner had been disposed off in the court of the Hon'ble High Court, Patna on the direction that the petitioner might renewed the prayer of bail in lower court without in any manner being affected by the rejection order of the prayer of bail by this court. It was further submitted that no BP had been filed on behalf of the petitioner in the court of learned District and Sessions Judge, Katihar. It was also submitted that the petitioner was quite innocent, committed no offence and had been falsely implicated in this case due to local politics and monopoly of the informant. It was also submitted that as per the prosecution case it appeared that the present FIR was lodge against seven named accused persons having 14 children at Railway station were carried by them to work outside from Bihar. It was submitted that on the basis of the suspicion the present case had lodged against above named accused persons including the petitioner alleging therein that 14 children were carried to outside from Bihar for child labouring. It was further submitted that two children were found with the children who were the relatives of the petitioner and they were the bona fide passengers, whereas due to suspicion this petitioner was also implicated in the present case. It was also submitted that all the children were recorded in which they had stated that they were carried the accused persons worked outside Bihar, but no copy of such statement was handed over to the petitioner and others. It was further submitted that other co-accused persons namely Akil Alam, Ajay Kumar and Ganesh who had also two and three children had been granted bail by the learned court below. Citing the orders of the Hon'ble Court whereby the other accused persons namely Almera Khatoon, Abdur, Ariful and Md. Mukhtar after considering the facts and circumstances of the case were granted bail vide Criminal Miscellaneous no. 13650 of 2021 and 8629 of 2021 dated 08.09.2021 by the Hon'ble High Court Patna, the learned counsel claimed that the case of the petitioner stood on similar footing. The learned counsel prayed to allow the petitioner on bail.</p> <p>The learned APP opposed the bail petition and prayed to reject it.</p> <p>Perused the case record. Allegation against the petitioner is that he had been transporting two minor boys for their employment as child labour and these minor boys were rescued by the Labour Officer from the clutches of the petitioner.</p> <p>Charge for offence under section 370, 374 IPC, section 14 Child Labour Prohibition and Regulation Act, Section 75 and 79 of the Juvenile justice Act framed against the petitioner along with other accused persons on 19.12.2020. Hon'ble High court vide order dated 30.03.2022 passed in connection with Criminal Miscellaneous no. 9346 of 2022 pleased to observe as follows:-</p>	

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Continued
11.04.22

" In the Event, such prayer is renewed before the trial court, it goes without saying that the court should consider the petitioner application without in any manner being affected by the rejection of the prayer for bail by this court, earlier in Criminal Miscellaneous no. 11142 of 2021".

Apparently bail of the petitioner was rejected by the Hon'ble Court vide Criminal Miscellaneous no. 11142 of 2021, but the Hon'ble Court pleased to direct the court to consider the petitioner's application without being prejudiced by that order by the aforementioned order. Evidently accused persons namely Almera Khatoon and Abdar, Ariful, Mukhtar have been granted bail by the Hon'ble High Court Patna vide orders dated 08.09.2021 in connection with Criminal Miscellaneous no 13650 of 2021, 24.08.2021 in connection with Criminal Miscellaneous no. 10432/2021 and 25.06.2021 in connection with Criminal Miscellaneous no. 8629/2021. The petitioner has been in custody since 27.08.2020. Case of the petitioner stands on the similar footing with that of other co-accused who have been granted bail by the Hon'ble Court.

In the facts and the circumstances and in light of the order dated 30.03.2022 of the Hon'ble Court passed in connection with Criminal Miscellaneous no. 9346 of 2022, the prayer for bail of the petitioner is allowed.

Let the petitioner Izhar be released on bail on furnishing bail bond of Rs. 20000/- with two sureties of like amount each, subject to the following conditions:-

- That one of the bailor shall be the close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.
- That the petitioner will be well represented on each date and if he fail to do so on two consecutive dates, his bail bond will be liable to be canceled.
- That the petitioner shall fully cooperate with the trial.
- That the petitioner shall not leave the country without permission of the court.

Dictated and corrected by

Neeraj Kumar II
Additional Sessions Judge V
Katihar