

# Nilam Khatoon vs The State Of Bihar on 3 April, 2024

**Author: Chandra Prakash Singh**

**Bench: Chandra Prakash Singh**

IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.5395 of 2024  
Arising Out of PS. Case No.-704 Year-2023 Thana- SITAMARHI District  
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Nilam Khatoon W/o - Md Mustafa R/o - Village - Boha Tola, PS and Dist -  
Sitamarhi

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :  
For the Petitioner/s : Mr.Hans Lal Kumar  
For the Opposite Party/s : Mr.Ram Anurag Singh

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH  
SINGH

ORAL ORDER

3 03-04-2024

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sitamarhi P.S. Case No. 704/2023, registered for the offences punishable u/s 365, 363, 366A, 370, 370(A), 372, 373, 376 and 120(B)/34 of the Indian Penal Code and u/s 3, 4, 5 and 6 of Prevention of Immoral Traffic Act and u/s 4/6 of the POCSO Act.

3. As per the prosecution case, on the information of an NGO, police raided Boha tola. From the house one Juli Khatoon, one young boy and a minor girl were found, the minor girl told that 15 days ago co-accused Bhatkan @ Chand brought her by inducing her. Two packets of condom were also Patna High Court CR. MISC. No.5395 of 2024(3) dt.03-04-2024 recovered on the bed. In another room, one woman, Neelam Khatoon was found. On search, a girl was recovered who disclosed that the petitioner brought her to this place who assault her and got her indulge in sexual act. Further, two packets of condom were also recovered under the pillow.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has committed no offense. Neither the victim girl has not been recovered from the possession of this petitioner nor any incriminating article has been recovered from the possession of the petitioner.

Similarly situated co- accused person has already been granted bail by a coordinate Bench of this Court vide order dated 07.12.2023 passed in Cr. Misc. No. 78635 of 2023. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. The petitioner is a lady and she is in custody since 11.09.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the custody of the petitioner, let the above named petitioner is directed to be enlarged on regular bail on furnishing bail-bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Patna High Court CR. MISC. No.5395 of 2024(3) dt.03-04-2024 court concerned, Sitamarhi in connection with Sitamarhi P.S. Case No. 704 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J) Ranjeet/-

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