

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28175 of 2015

Arising Out of PS.Case No. -299 Year- 2015 Thana -KANKARBAGH District- PATNA

1. Neelu Devi W/o Sri Binod Keshri Resident of Makhaniya Kuan, Police Station Pirbahore, District Patna Present resident as Tenant at B-129, Housing Colony in House of Munmun Dhari Singh (Near Salam-2), P.S. Kankarbagh Colony, District Patna, Patna-800020.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tej Narayan Singh

For the Opposite Party/s : Mr. Manish Kumar-Ii(App)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

5 15-10-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner seeks bail in connection with Special Case No. 64 of 2015 arising out of Kankarbagh P.S. Case No. 299 of 2015 registered for the offences punishable under Sections 376, 120B of the Indian Penal Code and Section 4 of POCSO Act.

The petitioner had a room at Postal Park Sabji Mandi on rent where she used to provide tuition to the girls. On 08.04.2015 the petitioner called the victim Kavita Kumari aged about 14 years at her house and took her away on the pretext of going to market and after return in the room at Postal Park, the victim was provided tea and biscuit by the petitioner resulting she



felt giddy and slept there and when she woke up she found that her clothes were opened and there was pain in her private part and on being asked the petitioner told her that the boy loves her and he will marry with her. She also threatened that the boy had taken picture in his mobile so the informant did not disclose the matter to her mother but she disclosed her friend Aarti and thereafter, to her mother.

Submission is of false implication and that the FIR has been lodged after delay of 24 days, there is no independent witness of the occurrence, the petitioner is in custody since 03.05.2015 having no criminal antecedent. The doctor who has examined the victim has not found any external injury on her private part and no spermatozoa was found in the Vaginal swab.

Learned APP opposes the prayer of bail by submitting that besides the family members of the victim, independent witness Bharti Kumari has also stated that the petitioner used to tell her that if she will develop friendship with boy, there will be income and she will provide mobile also vide para 47 of the case diary. Under conspiracy of the petitioner the minor victim was rapped and she has been examined after much delay so spermatozoa has not been found.

In the facts and circumstances stated above,

considering that independent witness Bharti has also supported regarding conduct of the petitioner, as such, this Court is not inclined to enlarge the petitioner on bail, accordingly, her such prayer stands rejected.

However, the trial court is directed to expedite the trial and conclude the same as per amended proviso of Section 309 of the Cr.P.C.

(Jitendra Mohan Sharma, J)

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