

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25643 of 2016

Arising Out of PS.Case No. -21 Year- 2015 Thana -MAHILA P.S. District- PATNA

=====

1. Somnath Sharma @ Shobhnath Sharma Son of Jainandan Singh,
Resident of Village- Rauniya, Police Station- Naubatpur; District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra

For the Opposite Party/s : Mr. Sri Pranav Kumar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

4 31-08-2016

Heard both sides.

The petitioner apprehends his arrest in Mahila (Patna) P.S. case No. 21 of 2015 under Section 376, 312 of the Indian Penal Code and under Section 4 and 6 of POCSO Act.

The victim made her statement alleging that her mother died 7-8 year ago. She has got one brother. She was working in the house of Somnath Sharma for last two years but Shomnath Sharma, the petitioner, used to tease her and also commit rape with her after giving her threatening.

The learned counsel for the petitioner submits that the victim has made false allegation. The victim was never working in the house of petitioner. She was not pregnant. The doctor found no sign of rape nor the victim was found pregnant.

During the course of investigation, it has come that uncle of the petitioner had taken contract to construct the house of petitioner for which Rs. 20,000/- was advanced but when the house was not completed, at the instigation of her uncle, the victim lodged this case. It is further submitted that the witnesses have stated that the victim is not mentally sound and that is why this false case has been lodged but it appears from perusal of the records that the victim, who is a minor, has very specifically stated that petitioner committed rape with her. The victim in her statement under Section 164 of the Cr. P. C. also reiterated the same allegation. When the victim was examined the court did not observe any sign of unsoundness of the victim and she was capable of making statement under Section 164 of the Cr. P. C.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

BKS/-

U		T	
---	--	---	--