

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29799 of 2016

Arising Out of PS.Case No. -21 Year- 2016 Thana -PIPRA District- PATNA

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Seema Kumari D/o Lala Kewat, R/o Vill.- Puraniya, P.S- Pipra, Dist.- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Kumar Binode Bariar, Advocate.

For the Opposite Party : Mr. Shailendra Kumar Singh, APP.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 16-11-2016 Heard both sides.

The petitioner apprehends her arrest in Pipra P.S. Case No. 21 of 2016 registered for the offences punishable under Section 376 of the Indian Penal Code and under Sections 4/6 of the POCSO Act.

The informant alleged that the petitioner called her to her house for help in lifting bag. When the victim went inside the house the petitioner closed the door from outside and fled away. Lakhi Kumar was present in the house from before and he committed rape with her forcibly.

Learned counsel for the petitioner submits that there is no independent witness to support the case of the prosecutrix. The prosecutrix claims, herself, to be minor but the doctor found her

age about 18 years. The doctor did not find any sign of rape or violence mark either on the private or any part of the body of the victim. The victim has alleged that Lakhi Kumar violently put her down on the ground and committed rape with her. It is further submitted that the victim, herself, stated in her statement that while she was sitting in the corridor of the house the petitioner called her and this fact itself shows that no inmates of the house saw the occurrence. But, it appears that the corridor was inside the house and inmates of the house have very categorically stated that the petitioner called the victim and took her to her house thereafter, she was confined in a room where Lakhi Kumar committed rape with her. The victim also reiterated the same facts in the statement under Section 164 of the Code of Criminal Procedure and she disclosed herself to be minor.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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