

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63300 of 2017

Arising Out of PS. Case No.-58 Year-2017 Thana- MAHILA P.S. District- Sitamarhi

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Kumari Babi @ Kumari Devi @ Madhubani Wali, W/o Shambhu Sah,
Resident of Village -Kharsaan, P.S.-Riga, District - Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate
For the Opposite Party : Mr. Rajkishore Singh (APP)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

2 05-02-2018 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner apprehends her arrest in connection
with Sitamarhi Mahila P.S. Case No. 58 of 2017, registered for
the offence punishable under Section 376/34 of the Indian Penal
Code.

Allegedly, the petitioner on false pretext brought
the informant at Sitamarhi and pushed her in a room where a
male being naked was waiting and that male forcibly committed
rape with the informant and thereafter the petitioner brought the
informant and changed her cloths.

Submission is of false implication and that the
petitioner is made victim of the circumstances, no offence under



Section 376/34 of I.P.C. is made out against the petitioner and the petitioner is a lady. There is nothing against the petitioner and, as such, the petitioner deserves sympathetic consideration.

The learned A.P.P. opposes the prayer of pre-arrest bail by submitting that from impugned order it reveals that in the statement recorded under Section 164 Cr.P.C. the victim has supported the allegation against the petitioner.

In the facts and circumstances as stated above, finding it not a fit case of pre-arrest bail and, as such, I am not inclined to grant privilege of pre-arrest bail to her and accordingly her such prayer stands rejected in connection with Sitamarhi Mahila P.S. Case No. 58 of 2017, pending in the Court of learned Chief Judicial Magistrate, Sitamarhi.

(Jitendra Mohan Sharma, J.)

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