

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29008 of 2019**

Arising Out of PS. Case No.-73 Year-2019 Thana- MAHNAR District-
Vaishali

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SARITA KUMARI, female, aged about 21 years, Daughter of Sri Deep Narayan Rai, Resident of Village- Hargovindpur, P.S.- Mahnar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Jha, Advocate.

For the Opposite Party: APP

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL ORDER

2 02-05-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends her arrest for the offences alleged under Sections 376D, A, 120B of the Indian Penal Code and Sections 4, 6, 8, 10, 12 and 17 of the POCSO Act registered in connection with Mahnar P.S. Case No. 73 of 2019.

3. It is submitted that the petitioner has been falsely implicated out of sheer village politics on the accusation that she used to force the informant, a young girl of 13 years of age, to establish illegal relationship with co-accused Abhishek Kumar and Banti Kumar. The informant herself stated that such activities have been carried out for about a year and video recordings had been made with the threat of making them viral on the internet. However, no complaint has been made in the past year which renders the accusations highly improbable. As a matter of fact, the informant had been caught red handed and only to cover up her activities the present accusations have been made. The



petitioner has also been given a certificate of good character from the local Mukhiya of Mahnar Block. The petitioner is a lady and claims clean antecedents.

4. Learned APP on the other hand opposes the anticipatory bail petition, inviting reference to the order of the learned Additional Sessions Judge who has taken note of the case diary as well as the statement of the victim recorded under Section 164 Cr. P.C., in which she has reiterated the prosecution story. According to the medical report the victim has been assessed to be 14 to 16 years of age.

5. Having regard to the nature of accusations and the gravity of the offence alleged, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. The anticipatory bail petition stands dismissed.

6. If the petitioner surrenders and seeks regular bail before the learned Court below the same shall be considered on its own merit in accordance with law, without being prejudiced by any observation in the present order.

(Vikash Jain, J)

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