

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51242 of 2015

Arising Out of PS. Case No.-7 Year-2011 Thana- BIKRAM District- Patna

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Anjula Kumari @ Mohini Sharma Daughter of Satya Narayan Sharma,
Resident of village- Shahjahanpur P.O. Benibigha, P.S. Bikram Dist. Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar

For the Opposite Party/s : Mr.Rajendra Singh Shastrijeeapp

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 16-05-2023 Heard learned counsel for the parties.

This application has been filed for quashing of the order dated 02.06.2015 passed in S. Tr. No. 1562/ 2011/ 375/ 2015, arising out Bikram P.S. Case No. 07 of 2011 registered under Section 396 of the Indian Penal Code by which learned Additional Sessions Judge V, Danapur has rejected the discharge petition of the petitioner.

As per prosecution, informant gave her statement before Bikram P.S. on 11.01.2011 stated that she was sleeping in her house then at 11:30 P.M. accused Rajkumar and Pintu Kumar were pointing pistol upon her they asked to open the door, she will be shot if she raised alarm, when the door was opened 10-12 persons armed with gun entered into her house and looted the rifle with 75 round live cartridges, golden



ornaments and cash of Rs. 3,000/-. Thereafter, the accused brought her on the ground floor and tried to commit rape with her, her domestic servant when protested they shot him as a result he died. Thereafter, the accused persons fled away with articles. On the basis of said information, the aforesaid case was instituted against the petitioner.

By a detailed order, the trial court has considered the submissions of the petitioner and after finding the strong prima facie case against the petitioner has rejected the application of discharge. In view of the law laid down by the *State of Bihar vs. Ramesh Singh 1977 SCC (4) 39*, the petitioner cannot be discharged at this stage.

Accordingly, this application is dismissed.

The personal appearance of the I.O. is dispensed with.

(Sandeep Kumar, J)

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