

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57211 of 2024

Arising Out of PS. Case No.-202 Year-2024 Thana- RAJAON District- Banka

Sarita Devi Wife of Sakhichand Rana R/V- KARSANI, P.S.- RAJOUN,
DISTT.- BANKA

... .. Petitioner/s

Versus

- 1. The State of Bihar
- 2. Rimjhim Kumari D/O- Mithilesh Bhagat R/V- Karsani, P.S.- Rajoun, Distt.- Banka

... .. Opposite Party/s

Appearance :
For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 26-11-2024 Heard the parties.

2. The petitioner is in custody in connection with Rajoun P.S. Case No. 202 of 2024 for the offence punishable under sections 376 and 34 of the Indian Penal Code and Section 4 of the POCSO Act lodged on 15.04.2024 by the informant, XXXX.

3. As per the prosecution story, the informant alleged that earlier, her cousin brother made forcible physical relationship after which, she became pregnant. Allegation against this petitioner is that she took the child who came in this world and sold her to Sunil Bhagat and Pankaj Thakur. This was informed by the girl to the father who kept mum and later, he



too started raping her. Once again, the girl became pregnant. Fed up with the said repeated incident in the family, she lodged the FIR.

4. The story does not end here. Her elder sister who is also a minor thereafter also came out and made allegation under Section 164 of the Cr.P.C. complaining that her father regularly raped her, it was informed to the mother but she did not do anything. She became pregnant but after the delivery, the child could not survive.

5. Learned counsel for the petitioner tried to impress upon this Court that in absence of any hospital registration to show that the girl gave birth to the child, the entire story seems to be fake.

6. Learned APP on the other hand submits that both the girls belong to the same family and it is unimaginable that they will complain against their own father/brother.

7. Having gone through the facts of the case as also the materials on record and the submissions of the parties, this Court can only observe that it is an unfortunate incident and confirms what has been repeatedly surveyed by the N.G.Os dealing with the POCSO Act that the exploitation mainly takes place at home and by the immediate relative. Here is the case



where two minor sisters have been sexually exploited by none else than the father/brother and the grave allegation against this petitioner is that the child which came out of the forcible physical relationship with the brother was sold by her.

8. In that background, for the present, this Court is not inclined to extend her the privilege of bail.

9. The present bail application stands rejected.

(Rajiv Roy, J)

Adnan/-

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