

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79815 of 2023

Arising Out of PS. Case No.-775 Year-2023 Thana- PURNEA SADAR District- Purnia

Nisha Praween D/o Sahjada @ Md. Sahjada R/o vill - Abdulla Nagar Khushki
Bagh, P.S. - Sadar, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Advocate
		Mr. Ram Prawesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 07-03-2024 1. Heard learned counsel appearing on behalf of

the petitioner and learned Additional Public Prosecutor

appearing on behalf of the State.

2. The accused/petitioner is named in F.I.R.

and apprehending her arrest in connection with Sadar

P.S. Case No. 775 of 2023 registered for the offences

punishable under Sections 346, 365, 376, 120-B of the

Indian Penal Code, Sections 3, 4, 5, 6, 7, 8 of Immoral

Trafficking Act and Sections 4, 6, 12 of the POCSO Act.

3. The allegation against this petitioner is to

involve in immoral traffick and also to force minor victim



girls in prostitution, where petitioner was further alleged to run a centre of prostitution in her house from where a minor victim was alleged to be recovered.

4. Learned counsel Mrs. Soni Shrivastava appearing on behalf of the petitioner submitted that petitioner, being lady was falsely implicated with present case. It is submitted that the only one victim girl, namely, Phool Kumari, who appears major about 18 years alleged to be recovered from the house of petitioner whereas a minor girl, namely, Muskan Kumari was recovered from the nearby place to the house of the petitioner. It is pointed out that said Muskan Kumari stated nothing incriminating against petitioner, while recording her statement under Section 164 of the Cr.P.C. It is further pointed out that even the victim, who was alleged to be recovered from the house of this petitioner, stated specifically that she was in love affairs with one Rahul, being a college friend, who on false promise of marriage brought her to the residence of



petitioner, committed rape and left her and thereafter, this petitioner forced her to do wrong work, what she did. It is submitted that wrong work cannot be construed that victim was forced into prostitution. It is submitted that as per statement of victim, Phool Kumari, who is major aged about 18 years, remains in the house of petitioner for only about one week. While concluding the argument, it is submitted that medical report also does not suggest anything in support of allegation, as no physical injury was noticed in and around private parts of recovered victim.

5. Learned APP appearing for the State while opposing the prayer of bail submitted that the victim specifically alleged against petitioner to force her for prostitution, as per her statement recorded under Section 164 of Cr.P.C. It is further submitted that non-finding of medical injury does not lead to a conclusion, *ipso facto* that rape was not committed upon, as rape is a legal finding not a medical one. It is also submitted



that petitioner found involved in one more criminal case of similar nature i.e. Sadar P.S. Case No. 53/2018.

6. Considering the aforesaid factual submissions and by taking note of fact as specific allegation raised by recovered victim *qua* petitioner to force her into trade of prostitution, where petitioner also found involved in one similar nature of case, accordingly, the prayer of anticipatory bail of petitioner is rejected, herewith.

(Chandra Shekhar Jha, J)

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