

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.173 of 2022

Arising Out of PS. Case No.-1372 Year-2019 Thana- PURNIA COMPLAINT CASE District-
Purnia

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Nirwa Devi W/o- Lal Chandra Rishi Resident of Village - Sikandarpur Tola,
Uttartola, P.S.- Sadar, District - Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Domi Rishi S/o- Agam Lal @ Agam Lal Rishi Resident of Basantpur,
Diyari, P.S. - Kasba, District - Purnea.
3. Rajesh Rishi S/o- Agam Lal @ Agam Lal Rishi Resident of Basantpur,
Diyari, P.S. - Kasba, District - Purnea.
4. Manja Rishi S/o- Agam Lal @ Agam Lal Rishi Resident of Basantpur,
Diyari, P.S. - Kasba, District - Purnea.
5. Sanja Rishi S/o- Agam Lal @ Agam Lal Rishi Resident of Basantpur,
Diyari, P.S. - Kasba, District - Purnea.
6. Jalim Rishi S/o- Late Prabhu Rishi Resident of Basantpur, Diyari, P.S. -
Kasba, District - Purnea.
7. Prakash Rishi S/o- Jalim Rishi Resident of Basantpur, Diyari, P.S. - Kasba,
District - Purnea.
8. Tara Chandra Rishi S/o- Jalim Rishi Resident of Basantpur, Diyari, P.S. -
Kasba, District - Purnea.
9. Fagu Rishi S/o- Tarachandra Rishi Resident of Basantpur, Diyari, P.S. -
Kasba, District - Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Manish Kumar, Advocate Mr. Ziaul Guamar, Advocate
For the State	:	Mr.Mohammed Arif, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 07-10-2025

Heard learned counsel for the petitioners as well
as learned APP for the State.

2. The petitioner has approached this Court
against the order dated 20.01.2022 passed by learned Special



Judge (POCSO Act), Purnea in CA Case No. 05 of 2021/CIS No. 05 of 2021, whereby and whereunder the learned trial court dismissed the complaint petition bearing Complaint Case No. 1372 of 2019 filed by the petitioner.

3. Learned counsel for the petitioner submits that the order passed by the learned trial court is bad in the eyes of law. The learned trial court has not considered the statement made by the victim girl as enquiry witness before the learned trial court. The victim girl named opposite party nos. 4, 5 and 9 for committing rape with her. Thereafter, other opposite parties assaulted the petitioner and this fact has come in the evidence of the petitioner. Learned counsel further submits that the learned trial court passed the order without applying its judicial mind and has not considered the evidence available on record. The learned trial court went on consideration that enquiry witnesses have given contradictory statements and there are inconsistencies in the statements of the enquiry witnesses. Therefore, the impugned order is not sustainable.

4. Learned APP appearing on behalf of the State supports the contention of the petitioner. Learned APP submits that the evidence of witnesses were not taken consideration by the learned trial court and it dismissed the complaint petition



under Section 203 of the Code of Criminal Procedure on the ground of improbability of the allegation and non-medical examination of the victim girl. Learned APP further submits merely that on the ground of contradictions and inconsistencies in the statement of the enquiry witnesses, the complaint petition of the petitioner has been dismissed.

5. Perused the records.

6. From perusal of record, I find the learned trial court has considered the evidence of the enquiry witnesses and also taken note of their contradictory statement. On examination of the deposition of enquiry witnesses, the learned trial court recorded its finding that there are a number of contradictions and inconsistencies in the statement of the enquiry witnesses. Three boys aged 12, 15 and 10 years, respectively were stated to be perpetrators for crime of rape. The learned trial court has also taken note of the inconsistent stand of the witnesses with regard to the medical examination of the victim girl. It also appears that neither the victim nor the petitioner have received any injury. Having regard to the reasoning adopted by the learned trial court, if learned trial court arrived at a finding considering the probability of false accusation against the opposite parties on the basis of evidence before it, this Court under its revisional



jurisdiction would not like to intervene into the re-examination of the evidence of the witnesses. The Hon'ble Supreme Court in the case of *Union of India Vs. Prafulla Kumar Samal & Anr.* in *AIR 1979 SC 366* has laid down that if two views are possible from the evidence, and the trial court has taken a view which is possible from the evidence before it, it was not proper for the High Court to intervene in such matter.

7. In the light of discussion made hereinbefore, I do not find any infirmity, illegality and impropriety in the impugned order 20.01.2022 and the same is affirmed.

8. Accordingly, the present petition stands dismissed.

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
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