

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5185 of 2015

Arising Out of PS.Case No. -107 Year- 2014 Thana -PUSA District- SAMASTIPUR

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Birju Rai @ Birju Roy Son of Sri Musafir Roy Resident of vill-Harpur,P.S-
Pusa,Distt.-Samastipur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.P.P.)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 24-03-2015 Heard both sides.

The petitioner seeks bail in Pusa P.S. Case No. 107/2014 registered for the offence under Section 376 of the Indian Penal Code.

The victim made allegation that while she was returning a young boy intercepted her and committed rape with her. When the victim made alarm many persons came and call the father of the victim. The victim disclosed the name of the petitioner.

The Learned Counsel for the petitioner submits that petitioner is a government employee. Petitioner has falsely been implicated in the case. The victim used to come to cut grass in the premises of Pusa Agricultural University. Petitioner had some

altercation that is why this false case has been lodged. The doctor did not find any sign of rape on victim.

On perusal of records, it appears that the victim made very specific allegation that the petitioner committed rape with her. The doctor assess age of victim between 16 ½ to 17 ½ years. The victim was found having sexual relation, but no spermatozoa was found and that is why the Doctor ruled out the recent sign of rape.

Considering the facts aforesaid and the fact that the victim herself stated that the petitioner committed rape with her, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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