

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6503 of 2015

Arising Out of PS.Case No. -407 Year- 2014 Thana -HILSA District- NALANDA
(BIHARSHARIFF)

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Manish Kumar Son of Sadhu Saran Prasad resident of village Hurari, Police
Station - Chiksohara, District - Nalanda.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Rabindra Prasad Singh, Advocate.

For the Opposite Party : Mr. B.N. Pandey, (App)

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 13-04-2015 Heard both sides.

The petitioner seeks bail in Hilsa P.S. Case No. 7 of 2014, registered for the offences punishable under Sections 363 and 376(G) of the Indian Penal Code and Sections 4, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.

The victim made allegation that while she was returning from coaching class the petitioner and others caught and took her to Patna. The petitioner and others committed rape with her and she was dropped at Hilsa. The accused persons had threatened to kill the victim. Again the accused made an attempt to kidnap her but somehow she fled away and lodged the case.

Learned counsel for the petitioner submits that the victim in her statement recorded under Section 164 of the Cr.P.C.

did not make allegation of rape against the petitioner. She materially contradicted her earlier statement. This fact itself shows the falsity of the entire case. The doctor did not find any sign of rape.

It appears that the case is of gang rape. The victim is a minor girl. The doctor has assessed her age to be between 17 and 18 years although the victim disclosed her age to be 16 years. The victim was examined by the doctor after 4-5 days of alleged date of rape by the petitioner and others and that is why the doctor did not find any sign of rape although the doctor opined that the victim was habituated to sexual intercourse.

Considering the facts aforesaid, I am not inclined to enlarge the petitioner above named on bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J.)

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