

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.22460 of 2015

Arising Out of PS.Case No. -84 Year- 2014 Thana -MANPUR District- NALANDA
(BIHARSHARIFF)

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1. Nitish Paswan son of Rajendra Paswan resident of village - Bilaspur,
Police Station - Manpur, District - Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Pandey, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-07-2015 Heard learned counsels for the petitioner and the

State.

The petitioner is languishing in custody since 30.10.2014 in a case registered for the offences punishable under sections 376/34 of the Indian Penal Code and sections 4/6/8 of The Protection of Children from Sexual Offences Act, 2012.

It is alleged by the informant that on 29.10.2014 at about 11:00 am while she was cutting grass, firstly the petitioner ravished her and, thereafter, co-accused Raj Ballabh Paswan also ravished her.

It is submitted by learned Sr. Counsel for the petitioner that the victim was medically examined on 29.10.2014 itself immediately after the occurrence and the medical board did

not find any external or internal injury nor any sign of rape was found. Though the age of the petitioner was assessed between 13 to 14 years. The medical opinion supports the contention of the petitioner that due to the enmity the petitioner has been roped in the present case. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

It is submitted by learned counsel for the informant that the accusation is specific and on conclusion of investigation, the petitioner has been chargesheeted.

Considering the fact that the accusation is not corroborated by the medical opinion and the petitioner having no criminal antecedent, let him be released on bail, on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned ADJ- I, Nalanda in connection with Manpur P.S. Case No.84 of 2014.

Ashwini/-

(Dinesh Kumar Singh, J)

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