

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27625 of 2015

Arising Out of PS.Case No. -30 Year- 2013 Thana -BELA District- SITAMARHI

Binod Rai Son of Rash Bihari Rai, resident of village - Sirsiya, P.S. Bela,
District - Sitamarhi.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar

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

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 19-08-2015 Heard the learned counsel, Mr. Viond Kumar, on behalf of
the petitioner, Binod Rai, who is in custody in Bela P.S. Case
No.30 of 2013 under Section 376 IPC.

The learned counsel for the petitioner submitted that earlier
the prayer of the petitioner for grant of regular bail was rejected by
this Court in Cr. Misc. No.27745 of 2013 on 08.10.2013.
Thereafter, four witnesses have been examined in the Court below
and none of the witnesses have supported the prosecution case and
all of them have denied the knowledge of this fact of commission
of rape on the victim girl. The learned counsel further submitted
that the medical report also do not support the prosecution case as
the Medical Board has opined that it is very difficult to find as to

whether rape was committed or not. The learned counsel further submitted that the petitioner is in custody since 13.03.2013, therefore, the petitioner may be granted bail.

Perused the FIR and the evidences annexed with the bail application.

There is direct allegation of rape committed by this petitioner on the victim girl. The medical board examined the victim girl and found the age of the victim girl to be 10 years. The Medical Board consisting of five doctors gave a positive opinion that possibility of anal sexually act cannot be denied. In other words, the medical board clearly supported the case of unnatural offence, i.e., anal sexual act and clearly opined, this cannot be denied. It further appears in the examination of anal swab, the Medical Board found presence of Red blood corpuscles. Admittedly, the victim girl has not been examined till date.

In view of the above facts and circumstances, I find that this is not fit case for grant of bail to the petitioner. Accordingly, this bail application is again rejected.

(Mungeshwar Sahoo, J)

Sanjeev/-

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