

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34691 of 2015

Arising Out of PS.Case No. -108 Year- 2014 Thana -BIHRA District- SAHARSA

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1. Pravash Yadav S/o Dhanik Lal Yadav R/o Village - Mankhahi, P.S. -
Bihra, District - Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Ahmad Ali(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

5 30-11-2015 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner and two others are said to have committed gang rape but submission on behalf of the petitioner is that the informant has brought this false case on account of previous enmity and land dispute and much prior to the alleged occurrence, petitioner had given sanha to S.D.M, Saharsa against informant and others. It is further submitted by him that just after the alleged occurrence, the informant was examined by the doctor and three injuries said to be simple in nature were found on her person but doctor did not give any opinion regarding the story of rape though the investigating officer had asked the opinion of doctor in respect of the story of rape also.

It would appear from the record that earlier this court had directed the prosecution to produce the report of Forensic Science Laboratory, Bihar, Patna in respect of undergarments of the informant but even after passing of more than two months, the prosecution could not succeed to bring the aforesaid report on record.

Considering the aforesaid facts and circumstances as well as submissions of the parties, let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Sri V.N. Prasad, Judicial Magistrate 1st Class, Saharsa in connection with Bihara P.S. Case No. 108 of 2014.

(Hemant Kumar Srivastava, J)

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