

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37319 of 2015

Arising Out of PS.Case No. -155 Year- 2015 Thana -JAKKANPUR District- PATNA

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Birendra Paswan, son of Late Sita Ram Paswan, resident of Labour court
Nehru Lane Gali, Police Station Jakkanpur, District Patna.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Kumar Sinha

For the Opposite Party/s : Mr. Indu Bala Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-11-2015

Heard learned counsel for the petitioner and the State.

The petitioner seeks bail in a case instituted under
Section 376 of the Indian Penal Code and 6, 8 and 10 of the
P.O.C.S.O. Act.

Allegation against the petitioner is of committing rape
upon daughter of the informant.

It has been submitted on behalf of the petitioner that he
has got no criminal antecedent. He is in custody since 5.5.2015.
Chargesheet has been submitted in the present case. From perusal
of the medical examination report (Annexure-3) it would appear
that swab was taken and sent to the Department of Microbiology,
Patna Medical College and Hospital. The said report was received.
From perusal of para-46 of the case diary it would appear that
spermatozoa was not found. The allegation made in the F.I.R. is
not supported by the medical evidence. Viscera report is said to
have been received in a sealed cover, same is opened. From
perusal of the Forensic Science Laboratory report also it appears

that semen could not be detected in any of the exhibit which was sent for examination to Forensic Science Laboratory.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand only) with two sureties of the like amount each to the satisfaction of learned A.D.J. Ist, Patna, in connection with Special (POCSO) P.S. Case no. 155 of 2015.

Let viscera report be returned to the office of the Director, Forensic Science Laboratory, Patna.

(Sudhir Singh, J)

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