

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25187 of 2015

Arising Out of PS.Case No. -55 Year- 2015 Thana -PIRO District- BHOJPUR

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1. Gulli Shah S/o Ganesh Shah Resident of Village Bambhwar, P.S. Prio,
District Bhojpur at Ara.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikas Kumar

For the Opposite Party/s : Mr. Ram Shankar Das(Spl.App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA
ORAL ORDER

3 07-10-2015 Heard learned counsel for the petitioner and learned
Special P.P.

The petitioner seeks bail in a case registered under
Sections 376, 341, 323 and 504/34 of the Indian Penal Code and
Section 3 (2) (v) of SC/ST Act as also under Section 4/6 of
POSCO Act.

Allegedly when after attending the marriage ceremony,
the victim was returning home along with Nisha Kumari her leg
slipped in a drain and she went to a hand pipe and started washing
her leg but Nisha Kumari went to her house and in the meantime,
the petitioner came there and after closing her mouth brought her
at a lonely place and after tying both hands committed rape upon
her.

Submission is of false implication and that Nisha Kumari has not supported the allegation that she was coming with the victim after seeing the marriage ceremony. The Doctor, who has examined the victim, has also not found any injury either on a private part or anywhere and the petitioner without any fault is in custody since 13.02.2015, to which learned Special P.P. opposes by submitting that during the examination hymen not intact and slight bleeding and blood coming out of OS was noticed by the Doctor and further the victim in her statement recorded under Section 164 of the Cr.P.C. has supported the allegations and according to medical report, her age is 13 to 16 years.

In the facts and circumstances stated above, considering that the bleeding was found by the Doctor and the victim has supported the allegation in her statement recorded under Section 164 of the Code of Criminal Procedure also, this Court is not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected.

V.P.Sinha/-

(Jitendra Mohan Sharma, J)

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