

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.37524 of 2014

Arising Out of PS.Case No. -20 Year- 2014 Thana -HASANPUR District- SAMASTIPUR

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1. Arjun Kumar Mahto Son of Baiju Mahto @ Bijendra Kumar Mahto
Resident of Village- Maldah, P.S.- Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rohit Kumar

For the Opposite Party/s : Mr. P.N.Pandit(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 28-01-2015 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

There is specific allegation of rape against the petitioner but submission on behalf of the petitioner is that the medical report of the prosecutrix does not support the allegation of rape and apart from this, the petitioner was examined by the doctor just after the alleged occurrence but the report of the petitioner was suppressed by the prosecution for the reasons best known to the prosecution and, therefore, the prosecution has not come in this case with clean hands and there is violation of section 53A of Criminal Procedure Code.

Taking note of the aforesaid submissions as well as facts and circumstances of the case, in my view, petitioner may

raise the aforesaid points before the trial court at the time of trial and furthermore the petitioner is not entitled to get privilege of bail at least at this stage. Accordingly, his prayer for bail in connection with Hasanpur P.S. Case No. 20 of 2014, G. R. No. 207 of 2014, pending in the court of Judicial Magistrate 1st class, Rosera, Samastipur stands rejected.

(Hemant Kumar Srivastava, J)

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