

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23931 of 2015

Arising Out of PS.Case No. -54 Year- 2015 Thana -DUMRA District- SITAMARHI

Laddu Das son of Jhapash Das resident of Village - Muradpur, P.S. -
Dumra, District - Sitamarhi.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

Appearance :

For the Petitioner : Mr. Hans Lal Kumar, Advocate.

For the Opposite Party : Mr. Nirmal Kr. Sinha (APP)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 05-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under section 376 of the I.P.C and section 4/6 of
POSCO Act.

Allegedly 2 ½ years old daughter of the informant was
playing in the courtyard and when the informant returned to her
house she found her daughter crying and the petitioner fleeing
away. The daughter pointed out her finger towards the petitioner.
Further, it is alleged that there was profuse bleeding from her
private part.

Submission is of false implication due to counter case
bearing Complaint Case No. C-1/ 305 of 2015 which was lodged

by mother of the petitioner. In the Medical Board age of the victim has been found 4 to 5 years and no external or internal injury has been found on the person of the victim and as such opinion has been given that it is difficult to say as to whether rape has been committed or not. Further, the cloths of the victim were also not given by the prosecution side to the I.O. and it was said that the same has been washed away vide paragraphs 9 and 19 of the case diary and the petitioner without any fault is suffering in custody since 07.03.2015. The victim though aged about 4 to 5 years has not stated anything and there is no eye witness of the occurrence.

The learned A.P.P. opposes prayer for bail by submitting that the witnesses have found the victim girl crying and weeping but the Medical Board has found her age 4 to 5 years and further no external or internal injury has been found by the doctors of the Board.

In the facts and circumstances as stated above, considering that as the medical evidence does not support the allegation as alleged and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of C.J.M. Sitamarhi in Dumra P.S. Case No. 54 of 2015, subject to the conditions that one of the bailors must be a

near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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