

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.56187 of 2015

Arising Out of PS. Case No. -133 Year- 2015 Thana -MAHILA P.S. District- NALANDA
(BIHARSHARIFF)

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Kundan Kumar, Son of Ravindra Ram, Resident of Village- Gauri, P.S.-
Chandi, District- Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mustaque Alam (App)

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

3 21-01-2016 Heard learned counsel for the petitioner, State and the
informant.

The petitioner apprehends his arrest in a case under
Section 376 of the Indian Penal Code and Section 4, 6 and 8 of the
Protection of Children from Sexual Offences Act, 2012.

The informant, who was 14 years of age, alleged that
while she had gone out to answer the call of nature, the petitioner
apprehended her and took her in a room and committed rape on
her on 23.09.2015.

The petitioner submits that a Medical Board was
constituted on 26.09.2015. The Board opined that the victim is
habituated to sexual intercourse. However, there is no sign of
recent physical cohabitation. He has been implicated in the case on

account of land dispute. The independent witnesses have not supported the prosecution case.

Learned counsel for the informant opposes the prayer for anticipatory bail and submits that the informant has supported the case in her statement recorded under Section 164 of the Cr.P.C.

It is true that the medical report does not support the factum of recent sexual intercourse. However, the said ground will be a good ground for regular bail. The petitioner should surrender before the court below and pray for regular bail, which would be disposed of on the same day, without being prejudiced by this order.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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