

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11745 of 2016

Arising Out of PS.Case No. -155 Year- 2010 Thana -KISHUNPUR District- SUPAUL

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1. Birendra Kumar Rai @ Birendra Kumar Roy Son of Late Devkant Roy,
Resident of Village- Sahpur (Prithipatti), Police Station- Bhaptiyahi,
District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun

For the Opposite Party/s : Mr. B.N.Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

2 16-03-2016 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State.

The alleged occurrence is said to have taken place on
31.01.2010 but the complainant/informant filed Complaint case on
22.05.2010, i.e., near about after four months of the alleged
occurrence. There is accusation against the petitioner and one co-
accused that they committed gang rape on the
complainant/informant but submission on behalf of the petitioner
is that no such occurrence did ever take place and, as a matter of
fact, the petitioner has been implicated in this case due to enmity
and village politics. It is further pointed out by him that the victim
was medically examined by the medical board on 23.06.2010 and

at first instance, the medical board found the victim between aged about 16 to 17 years but, later on, by making cutting in the report, the age of victim was disclosed between 13 to 15 years. It is further submitted that, moreover, the complainant/informant has already compromised this case though the offence is not compoundable in nature.

Accordingly, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Supaul in connection with Kishanpur P.S.Case No. 155 of 2010.

(Hemant Kumar Srivastava, J)

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