

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7180 of 2017

Arising Out of PS.Case No. -200 Year- 2016 Thana -BAKHRI District- BEGUSARAI

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1. Bajrang Kumar, S/o Sri Ganga Pandit, R/o Village- Rampur, P.S. Bakhri, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rai Mukesh Sharma

For the Opposite Party/s : Mr. Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

2 20-02-2017 The petitioner is in custody since 12.10.2016 in connection with Bakhri P.S. Case No. 200 of 2016, registered for offences punishable under Section 376 of the Indian Penal Code and Section 7/8 of the POCSO Act.

It has been submitted on behalf of the petitioner that the petitioner has been named in the F.I.R. and though there is allegation against the petitioner of commission of rape on the victim girl, however the injury report does not support the prosecution story. It has further been submitted that the victim girl's age during her medical examination was assessed at 16 to 18 years and also in her statement recorded under Section 164 Cr.P.C., her age was assessed as 16 years, therefore, there is no definite age of the girl could be assessed as it may vary plus or



minus 2 years as per medical jurisprudence and as such Section it cannot be said that the girl was minor. The petitioner has been languishing in judicial custody since four months and he has no criminal antecedent.

Learned counsel for the State has opposed the prayer for bail.

Having heard both sides, in view of the fact that there is direct allegation of committing rape against this petitioner, which has been supported by the statement given by the victim girl under Section 164 of Cr.P.C. and also the girl was assessed to be a minor in her medical examination, as such, I am not inclined to grant the petitioner, the privilege of regular bail, it is, accordingly, rejected.

However, the trial court is directed to expedite the trial and try to conclude it as early as possible.

(Vinod Kumar Sinha, J)

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