

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4485 of 2018

Arising Out of PS.Case No. -52 Year- 2017 Thana -MAHILA P.S. District- ARRARIA

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Bhupendra Yadav @ Bhupen Yadav @ Dalay Yadav S/o Late Bachu
Yadav, R/o Village- Dhanaha Jagta, P.S.- Raniganj, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Harendra Kumar Rana, AAG -3

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

5 09-04-2018 Heard Shri P.K. Verma, learned AAG appearing on behalf of the State and on behalf of the Superintendent of Police, Araria, who is present in Court Today. A vain attempt has been made to justify her action by means of an affidavit which is supported by a letter from the Civil Surgeon, Arraria.

It appears that the enquiry was conducted only lately after this Court had interfered and issued directions. This Court again cannot ignore the fact that it is because of the laches on the part of the investigation and also on account of



faulty medical evidence that offences of such nature are ending in acquittal. It is, thus, clear that unless and until the investigation takes an active interest in such types of offences in making proper enquiry and investigation, the whole purpose of the Act especially enacted for the prevention of such offences against children, is likely to be defeated.

The Superintendent of Police, Arraria however, is advised to be cautious in future so that such types of offence may be properly investigated and the affidavits to be filed should be carefully verified by her.

So far as the medical evidence which has come in this case is concerned, it would be appropriate that the Medical Officer concerned should be further examined by her Superior Authorities in this regard so that something which is apparently and palpably an untruth should be explained by her. A proper enquiry by the Civil Surgeon would be appropriate in the present facts and circumstances as the Mahila Police who had taken the victim to the hospital has stated that the child was bleeding from her private parts.

With the aforementioned observations, the present case stands finally consigned.

Let a copy of this order be sent by the Registry to



the Civil Surgeon, Arraria for further actions.

(Anjana Mishra, J)

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