

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 22726 of 2019

Arising Out of PS. Case No.-658 Year-2018 Thana- LAKHISARAI District- Lakhisarai

Binod Kumar @ Doctor Sir (Male), aged about 35 years, Son of Siyasan Singh, Resident of Village - Fatehpur, P.S.- Halsi, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Parmanand Pd. Nr. Sahi, Adv.

For the Opposite Party/s : Mr.Dilip Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 31-07-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offence punishable under Sections 328, 376 and 34 of the Indian Penal Code and Section 4 (POSCO) Act.

The prosecution case is that the informant Komal Kumari gave a statement to the local police on 19.10.2018 alleging therein that in the company of one Khusi Kumari @ Kunti the informant went to witness a mela and came to a house near a college. In the house the informant met one Binod Kumar @ Dr. and she was offered cold drinks by which she became intoxicated. Thereafter, the informant was subjected to sexual assault.

Learned counsel for the petitioner has submitted that



the victim was sent to the Govt. Hospital where the doctor after examination was of the opinion that the victim was not a victim of rape. The Medical Board was constituted on 19.10.2018 to ascertain the age of the victim and the board was of the opinion that she was between 16-18 years. The Forensic Team, Patna visited the scene of occurrence to collect evidence of physical and sexual assault and the primary investigation revealed no such evidence in this regard from the place of occurrence.

Learned counsel for the petitioner has further submitted that the petitioner is in custody since 20.10.2018. During the course of investigation, the victim and Khushi Kumari were friends and were under the influence of liquor and the victim fell from the roof of the house where they were enjoying and fell on line electric wire as a result of which the victim sustained injuries and rushed to the hospital. The fall of victim on live electric wire finds support by medical evidence as on 19.10.2018 at 12.50 AM the doctor found burn simple injuries by electric wire.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Lakhisarai



P.S. Case No. 658/2018, POSCO 55/2018 to the satisfaction of
the learned Additional Sessions Judge-I-cum-Special Judge
(POSCO), Lakhisarai.

(Anjani Kumar Sharan, J)

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