

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47323 of 2019

Arising Out of PS. Case No.-12 Year-2019 Thana- MAHILA P.S. District- Patna

HIRA SINGH Son of Late Bachu Singh Resident of Village - Narainpur, P.S.-
Bikram, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 04-12-2019 Heard learned counsel for the petitioner as well as learned
Addl. P.P.

It has been submitted at the end of learned counsel for the petitioner that on account of land dispute, over which his mother had filed petition before Sarpanch on 12.02.2019, he has been implicated in this case by the informant putting forward his daughter, a minor, whose mental condition was fragile on account of tender age. Also submitted that victim was examined on the same day but, medical report did not corroborate the factum of rape. In likewise manner, it has also been submitted that there happens to be inconsistency in the statement of the informant as well the victim (recorded under Section 164 Cr.P.C.) over the time, manner of dragging of the victim by the petitioner inside his house. Those things have bearing and that being so, it happens to be a fit case wherein petitioner should be released on bail.

Learned Addl. P.P. opposed the same and submitted that



there happens to be consistency so far factum of rape is concerned. Apart from this, it has also been submitted that from perusal of the medical report, it is evident that same has been prepared either by somebody else having signature of the doctor or, on account of apathy of the doctor, the such kind of lapses are found for that, drew attention towards the same.

Informant, who happens to be father of the victim, aged about 15 years, a student of Class Ixth, filed written report to the effect that while victim was returning after participating in a marriage ceremony of his niece, during midst of way, fallen prey at the end of the petitioner who dragged her inside his house, kept whole night and committed rape times without number, during midst thereof. Victim during course of her statement under Section 164 Cr.P.C., under para3, substantiated the same. However, during course of her statement under Section 161 Cr.P.C., she had stated that she was going to attend marriage ceremony during course thereof, she was dragged by the petitioner, kept whole night and raped. So factum of rape has been substantiated. So far medical report is concerned, that could not be sacrosanct. Thus, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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