

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48408 of 2019**

Arising Out of PS. Case No.-70 Year-2018 Thana- MAHILA P.S. District- Bhojpur

Nandan Paswan Son of Ashok Paswan @ Ashok Kumar Resident of Village-
Narhi Chandi, P.S.- Chandi, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Kumar, Advocate

For the Opposite Party/s : Mr.Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER**

3 30-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences punishable under Sections 376(d)/376(2)(i)/506 of the Indian Penal Code, Section 4/6 of the POCSO Act and Section 67 of the I.T. Act, in connection with Bhojpur Mahila P.S. Case No. 70 of 2018, corresponding to Special Child Case No.4 of 2019 (POCSO Case No.33 of 2018).

Gang rape was committed against the informant, a minor girl, on 15.05.2018. The victim was examined by the doctor on 23.06.2018 and the doctor was not of definite opinion that any rape was committed.

On the basis of medical report, learned counsel for the petitioner submits that the prosecution allegation is not



believable.

Medical report is of no importance for the purpose of consideration of prayer for bail for the simple reason that there is long gap between the date of examination of the victim and date of occurrence.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused.

(Birendra Kumar, J)

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