

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11943 of 2020

Arising Out of PS. Case No.-209 Year-2016 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Rahul Kumar @ Santan Son of Sri Laxmi Prasad @ Laxmi Narain Prasad
Resident of Village - Naili, P.S.- Magadh Medical, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate
For the Opposite Party/s : Mr.Jagdhar Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 28-02-2020 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 Section 376 of the Indian Penal Code and Section 12 of the POCSO Act in connection with Magadh Medical P.S. Case No. 209 of 2016.

Allegation against the petitioner is of commission of rape against a minor girl. The victim has supported the allegation in her statement under Section 164 Cr.P.C.

Submission is that for land dispute false and concocted allegation is there. The allegation is not corroborated by medical evidence.

There is no documentary evidence of land dispute. The doctor is not an expert of the offence of rape; rather the definition



under Section 375 is guiding factor.

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

The trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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