

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.19337 of 2021**

Arising Out of PS. Case No.-240 Year-2019 Thana- KHODAWANDPUR District- Begusarai

GOLA PASWAN @ GOLU PASWAN S/o Phudo Paswan @ Phudho Paswan  
R/o village- Bariyarpur (West) Ward No.- 03, P.S.- Khodawandpur, Distt.-  
Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kumar Binode Bariar, Advocate.

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

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

3      26-10-2021      Heard the parties.

The petitioner is languishing in custody for the offence punishable under Section 376D/34 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

Two persons including the petitioner allegedly ravished to the daughter of the informant, a minor girl.

Learned counsel for the petitioner submits that the matter is of love affairs between the victim and co-accused Kundan. Moreover there is property dispute between the family of the victim and the petitioner and that is why false allegation has been levelled.

No material to substantiate a case of love affairs has been brought on the record nor it has come during



investigation.

Next submission is that the medical report does not corroborate the statement of the victim as no spermatozoa was found by the doctor.

It would be considered at the time of trial considering the date of occurrence and date of report as well as medical examination.

The victim cannot be disbelieved at this stage. Hence, I am not inclined to enlarge the petitioner on bail in connection with Khodawandpur P.S. Case No. 240 of 2019.

Hence, prayer is refused.

Learned trial Judge is directed to expedite the trial.

**(Birendra Kumar, J)**

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