

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.592 of 2020

Arising Out of PS. Case No.-516 Year-2019 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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Md. Aainul @ Raju @ Ainul, Son of Md. Mokhtar, Resident of Village-
Mubarakpur, P.S.- Muffasil, Distt - Begusarai.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rashid Izhar, Advocate
		Mr. Sandip Kumar Gautam, Advocate
For the Respondent/s	:	Mr. Sadanand Paswan, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

8 08-02-2021 Heard Mr. Rashid Izhar, learned counsel for the

appellant and Mr. Sadanand Paswan, learned counsel for the

State.

Mr. Rashid Izhar, learned counsel for the appellant,

with reference to medical report, submits that the allegation is

patently false. He also referred to the statement of the victim

recorded under Section 164 of the Cr.P.C. and the statement of

the mother of the victim to contend that there is mistake in the

identity of the accused.

After going through the case diary and the materials

available on record, the Court is of the considered view that

there is specific allegation levelled by the prosecutrix and such

statement cannot be diluted by medical report.



Considering the materials available in the case diary, the Court is not inclined to grant bail to the appellant. The appeal is dismissed.

However, the court below is directed to expedite the trial.

(Anil Kumar Upadhyay, J)

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