

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33891 of 2024

Arising Out of PS. Case No.-56 Year-2024 Thana- ASHTHAWAN District- Nalanda

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RAMJEE RAVIDAS SON OF LATE LAKHAN RAVIDAS RESIDENT OF
VILLAGE - KONAND, P.S. - ASTHAWAN, DISTRICT - NALANDA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. RUBI KHATOON WIFE OF MANNU ALAM VILLAGE- KONAND, P.S.-
ASTHAWAN, DISTT.- NALANDA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aman Ranjan, Advocate

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

8 19-11-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Asthawan P.S. Case No. 56 of 2024 for the offence punishable under Section 376(AB) of the Indian Penal Code and section 4 and 6 of the POCSO Act lodged on 14.03.2024 by the XX .

3. As per the prosecution story, the nine years old victim child's mother has lodged FIR, alleging that her daughter returned home crying and upon query, she informed that this petitioner took her in a room and after offering a coin of Rs.10/-, sexually assaulted her. This led to the FIR.

4. In this case, case diary and the 164 Cr.P.C.



statement are available. As per the information, the Court had sought for FSL report on 01.04.2024 when the samples were sent to the Forensic Science Laboratory, Patna.

5. Seven months later and after request/order/personal appearance, the report has come which the Court could not decipher. Upon query, Mr. Ajay Kumar, the Director, Forensic Science Laboratory, Patna also failed to inform what is the conclusion of the FSL report. The Technical expert, Mr. Neeraj Kumar has also submitted that another Technical expert is needed to decipher the conclusion.

6. This Court is afraid how the Forensic Science Laboratory, Patna is working. For seven months, they failed to provide the report and when the personal appearance is ordered, a haphazard report is submitted.

7. In that background, this Court has no option but to go by the statement made by the nine years old victim girl under section 164 of the Cr.P.C. in which she has clearly stated that this petitioner took her in the room and after offering her Rs.10/- and removing her pant as also his 'lungi', he sexually assaulted the girl.

8. In that background, no relief can be granted to the petitioner and the same stands rejected.



9. The Director, Forensic Science Laboratory, Patna is directed to submit a proper report to the Trial Court so that the trial is conducted in a right manner. He is also directed to look into all the Court cases in which request has been made and to immediately provide the reports as cases after cases, it has been found that despite the order of the High Court, the Director, Forensic Science Laboratory, Patna never sends any report.

10. The personal appearance of the Director, Forensic Science Laboratory, Patna is dispensed with.

11. The FSL report is returned today itself to the Director, Forensic Science Laboratory, Patna after sealing it so that a conclusion is recorded and sent to the Trial Court.

(Rajiv Roy, J)

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