

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.50710 of 2014

Arising Out of PS.Case No. -102 Year- 2014 Thana -BENIPATTI District- MADHUBANI

Radheshyam Sharma S/o Ram Sewak Sharma resident of village - Mahmudpur, P.S. Benipatti, District - Madhubani

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha

For the Opposite Party/s : Mr. C.Jawahar(App)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 03-03-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for offences punishable under Section 376 of the I.P.C.

Learned counsel appearing on behalf of the petitioner submits that even if the contents of the F.I.R. are taken to be true, it can not be said to be established forceful sexual intercourse. He further submits that the victim was examined under section 164 Cr. P.C. wherein she alleged that she was pregnant on the date, when she was being examined.

Referring to the opinion of the Medical Board, learned counsel for the petitioner submits that the statement of the victim that she was pregnant on the date when she was examined under

Section 164 Cr. P. C. From the report of the medical examination held on 09.06.2014, there is no opinion of the medical Board that the victim was pregnant on 09.06.2014.

Considering the facts and circumstances, the above named petitioner, Radheshyam Sharma is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Madhubani in connection with Benipatti P.S.Case No. 102/2014.

(Chakradhari Sharan Singh, J)

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