

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.45880 of 2014

Arising Out of PS.Case No. -114 Year- 2014 Thana -KOILWAR District- BHOJPUR

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1. Bijay Kumar Singh son of Rajendra Prasad Singh resident of Village -
Mirza Nagar, P.S. Mahua, District - Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Opposite Party/s : Mr. C.Sen Prasad Singh (App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

4 05-05-2015 Heard learned counsels for the petitioner and

the State.

The petitioner is languishing in custody since
17.7.2014 in a case registered for the offences
punishable under Section 376(i) of the Indian Penal
Code.

It is alleged that the informant being domestic
help used to reside in the outhouse of co accused
professor sahib and the petitioner. On 17.7.2014 in the
morning the petitioner ravished the informant.

It is submitted by the learned counsel for the petitioner
that the victim was examined by the doctors on the date
of occurrence i.e., on 17.7.2014 itself but the medical



report of the victim does not suggest any injury, particularly, on private part nor any sign of commission of rape has been found. The petitioner was also examined and superficial injuries were found which as per learned counsel for the petitioner was caused due to assault made to the petitioner but the medical report of the petitioner does not suggest any examination of his genital organ. More over no medical examination of the petitioner was done as per the provisions of section 53A of the Cr.P.C.

Learned counsel for the state submits that the victim has supported the accusation in 164 Cr.P.C. statement and the seizure of the clothes of the victim suggests the presence of spermatozoa like substance but admits that the clothes of the victim were never sent to the FSL for chemical examination. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the fact that the accusation is not being corroborated by the medical opinion, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned CJM, Bhojpur

at Ara in connection with Koilwar P.S. Case No. 114 of 2014.

(Dinesh Kumar Singh, J)

Anil/-

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