

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21894 of 2016

Arising Out of PS.Case No. -16 Year- 2016 Thana -BHEJA District- MADHUBANI

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Md. Emamuddin, Son of Ali Hasan Sah, Resident of Village- Khajuri, P.S
Bheja, District - Madhubani.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. S.M. Rahman (App)

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 27-07-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is an accused in connection with Bheja
P.S. Case No. 16 of 2016 , registered under Section 376 of Indian
Penal Code, pending in the Court of A.C.J.M., Jhanyharpur,
Madhubani.

The accusation is that on 20.02.2016, petitioner forcibly
committed rape upon the informant, when she was cutting grass in the
field.

Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and he has falsely been implicated
in this case. Further submission is that in the medical examination, no
spermatozoa was found in vaginal smear of the informant.

Learned counsel for the State vehemently opposed the
prayer of the petitioner and submitted that the victim was examined

after two days of the occurrence and as such finding no spermatozoa is quite natural, but Doctor opined that sexual intercourse might have been done.

Having considered the facts and circumstances of the case and nature of allegation, I am not inclined to enlarge the petitioner on bail. Accordingly, prayer of the petitioner, above named, is rejected.

(Rajendra Kumar Mishra, J.)

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