

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No. 33373 of 2016

Arising Out of PS.Case No. -15 Year- 2016 Thana -MAHILA P.S. District- BHAGALPUR

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Rohit Kumar, Son of Dinesh Mandal, Resident of Rasalpur, P.S. Rasalpur,
District Bhagalpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate

For the Opposite Party : Mr. Sri Manoj Kumar – 1 (APP)

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 16-08-2016 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

Petitioner has been alleged by the informant/victim
Puja Kumari to be her rapist, which she reiterated under annexure-
2, statement under Section 164 of the Cr.P.C.

Learned counsel for the petitioner has submitted that
the medical report did not corroborate the allegation and on
account thereof, petitioner is to be released on bail.

The learned Additional Public Prosecutor opposes the
prayer.

For the purpose of commission of rape, slight
penetration is sufficient. Ejaculation is not a condition precedent.
Moreover, the victim has been examined after 48 hours. That

being so, certainly medical evidences on account of absence of spermatozoa, a normal phenomenon due to lapse of time, was not going to support the plea of the petitioner.

Accordingly, the instant petition is rejected.

(Aditya Kumar Trivedi, J.)

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