

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34419 of 2019

Arising Out of PS. Case No.-383 Year-2018 Thana- ROSERA District- Samastipur

SANJAY YADAV Son of Ram Kumar Yadav Resident of Village - Tekuna
Math, P.S.- Rosera, District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 27-05-2019 Heard learned counsels for the parties.

The petitioner is languishing in custody since 20.10.2018 in a case registered for the offences punishable under Sections 323,341,376,452 and 506 of the I.P.C.

The prosecution case as per the written report of Seema Devi submitted to the SHO, Rosera Police Station is to the effect that on 18/19.10.2018 in the night, when the informant was sleeping, the petitioner entered into the house, assaulted the informant and ravished her.

It is submitted by learned counsel for the petitioner that the medical report does not suggest the commission of rape upon the informant as neither there is any external injury nor the pathological report suggests the presence of spermatozoa, hence the Board of doctors did not find any sign of rape being



committed on the informant. It is further submitted that on conclusion of investigation, charge sheet has been submitted under Sections 323,341,376,452 and 506 of the I.P.C. but differing with the same, cognizance has also been taken under Section 376 of the IPC.

Learned APP submits that there is specific accusation against the petitioner in the FIR.

Considering the accusation under Section 376 of the IPC not being corroborated by the medical opinion and after investigation, the chargesheet not being submitted under Section 376 of the IPC, coupled with the fact that the petitioner is not having any criminal antecedent and the period in custody, let the petitioner above named 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 the learned Additional Sessions Judge II, Rosera, Samastipur in connection with Rosera P.S. Case No.383 of 2018.

(Dinesh Kumar Singh, J)

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