

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34389 of 2019

Arising Out of PS. Case No.-16 Year-2019 Thana- MAHILA P.S. District- Kaimur (Bhabua)

SUNIL RAM @ SUNIL KUMAR BHARTI, aged about 40 years, Male, Son
of Late Ramadhar Ram Resident of Village - Kamta, P.S.- Bhabua, Dist.-
Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Sunil

For the Opposite Party/s : Mr.Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor.

There happens to be allegation of rape at the end of
the victim in the night of 8/9.03.2019, while her husband was
away.

Contention on behalf of the petitioner is that no
offence of rape has been found by the I.O. and so, the charge-
sheet has been filed for an offence under Sections 323, 504, 506,
354 of the I.P.C. It has also been submitted that medical report is
not in support of the prosecution. Also submitted that case has
been compromised. Thus, the cumulative effect did not justify
further detention.

The learned Additional Public Prosecutor opposed the



prayer.

The F.I.R. has been registered against the petitioner along with unknown, who facilitated the petitioner to commit rape, but as is evident from the case diary, after elapse of sometime, the case has been compromised, but manner whereunder the I.O. formulated questionnaire and inquired the victim as well as her husband, speaks a lot and that happens to be reason behind filing of charge-sheet under Section 354 of the I.P.C. along with other allied Sections. The questionnaire so formulated is found duly corroborated with the medical report and that being so, prayer for bail is rejected.

(Aditya Kumar Trivedi, J)

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