

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.64759 of 2018

Arising Out of PS. Case No.-59 Year-2018 Thana- MAHILA P.S. District- Patna

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Dinesh Kumar Singh, S/o Late Radhey Shyam Singh, Residing in Mandal Bhawan, Near Hanuman Temple, Rajbanshinagar, P.S.- Shastrinagar, Dist- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mahendra Thakur

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 24-01-2019 Heard learned counsels for the petitioner and the State.

The petitioner is languishing in custody since 07.06.2018 in a case registered for the offence punishable under Section 376 of the IPC.

The prosecution case, as per the written report of Anuja Kumari, dated 06.06.2018, submitted to the Station House Officer, Mahila Police Station, is to the effect that the informant was residing with the petitioner, being a sport teacher in a college, who is the father's friend of the informant, since the wife of the petitioner died in November, 2017, and having two small children. On 05.06.2018, at about 7 P.M., when the informant was sleeping, the petitioner offered her lemon juice



mixed with some sedative and when the informant got unconscious, thereafter, the petitioner ravished her, which she realized when she regain consciousness.

It is submitted by learned counsel for the petitioner that the petitioner is a government servant and since his wife has died, the informant has an evil eye on the property and the salary of the petitioner. For the occurrence of 05.06.2018, the FIR was registered on 06.06.2018 at 11.10 A.M. During medical examination, the age of the victim has been assessed as between 20 to 21 years and no violence mark has been found either on her body or on on her private part. It is further submitted that the vaginal swab of the informant has been sent for pathological examination, however, learned counsel for the State submits that in spite of the direction of this Court, the report of the pathological examination has neither been made available nor has been transmitted to this Court. The undergarments of the informant were transmitted to F.S.L., but the F.S.L., report dated 18.12.2018 does not suggest presence of any blood or semen on the undergarments of the informant, hence the medical report and F.S.L. report of the informant completely negate the accusation made in the FIR. A statement has been made in paragraph no.3 of the petition that the petitioner is not having



any criminal antecedent.

Learned APP, after going through the case diary, submits that there is specific accusation against the petitioner.

Considering the accusation being not corroborated by the medical opinion or the F.S.L. report and period under custody, coupled with the statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No. 59 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

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