

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53690 of 2019**

Arising Out of PS. Case No.-155 Year-2018 Thana- SANHAULA District- Bhagalpur

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Nitish Kumar Son of Basuki Paswan Resident of Village- Fazilpur, Police
Station- Sanhaula, District- Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Ranjeet Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 30-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the offences
punishable under Sections 376/323/506 of the Indian Penal Code in
connection with Sanhaula P.S. Case No.155 of 2018.

Allegation against the petitioner is that he ravished the
informant by committing house trespass.

Learned counsel for the petitioner submits that the doctor
has not found any recent sign of sexual assault and the victim was a
major. She has falsely implicated the petitioner.

“To seek for corroboration is to insult the womanhood”.

Principle aforesaid still holds the field. Moreover, the



doctor is not an expert to say whether rape has been committed or not. It is only the definition of the term in the Indian Penal Code, which would be applicable on the narration of the facts of each individual case. Since the victim was a major it would not give a licence to anyone and everyone to offend the law made for her protection.

Considering the nature of allegation, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is refused. The trial Court is directed to expedite the trial.

(Birendra Kumar, J)

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