

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59782 of 2019

Arising Out of PS. Case No.-97 Year-2019 Thana- KOCHAS District- Rohtas

RAJESH KUMAR @ DIPPU KUMAR @ DIPU KUMAR aged about 30 years, Male, Son of Sri Krishna Singh Resident of Village - Sobhipur, P.S.- Kochas (Parsathua), Dist.- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mazharul Hassan
For the Opposite Party/s : Mr.Amarendra Prasad

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking regular bail in connection with Kochas (Parsathua O.P.) P.S. Case No. 97 of 2019 registered under Sections 376(D) of the Indian Penal Code and Section 4 of POCSO Act.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case. Learned counsel submits that although first information report has been lodged alleging that the petitioner had committed rape on the daughter of the informant but the medical report of the medical board who examined the victim girl has categorically observed that there was no external injury and it is very difficult to say



whether intercourse has been done or not. Learned counsel submits that petitioner has no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail and submits that after going through the case diary and Medical Board's report the allegation appears is not being supported by the medical report but the statement of the victim girl may be enough for purpose of conviction of the accused and it may be a case of attempt to commit rape.

Considering the facts and circumstances of the case and the submission of learned counsel for the petitioner that although the first information report has been lodged alleging that the petitioner had committed rape on the daughter of the informant but the medical report of the Medical Board who examined the victim girl has categorically observed that there was no external injury and foreign body on any part of the body including private part, L/E-Hymen appear intact, P/R No. swelling and bleeding and further that the Medical Board was unable to say that any recent intercourse has been done though the victim was examined immediately after the alleged occurrence and further that the petitioner is in custody since 11.05.2019 and charge-sheet has already been submitted and it is not the submission of the prosecution that release of the



petitioner on bail who has no criminal antecedent otherwise is likely to interfere with the free and fair trial, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned 1st Additional District and Sessions Judge, Sasaram (Rohtas), in connection with Kochas (Parsathua O.P.) P.S. Case No. 97 of 2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer or tamper with the evidence.

(Rajeev Ranjan Prasad, J)

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