

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2506 of 2020

Arising Out of PS. Case No.-135 Year-2019 Thana- MAJHAULIA District- West Champaran

SUNIL KUMAR S/o Yogendra Prasad R/o Village- Karmwa, Ward No. 8,
Kushwaha Tola, P.S.- Majhauria, District- West Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey, Advocate.

For the Opposite Party/s : Mr.Shailendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 19-06-2020 This matter has been taken up through Video Conferencing.

Heard the parties.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Sections 376 and 511/34 of the Indian Penal Code and Sections 7, 8 and 18 of the POCSO Act.

Allegation against the petitioner is of sexual abuse to a minor girl. Victim has supported the allegation of rape committed by the petitioner in her statement recorded under Section 164 Cr.P.C.

Learned counsel for the petitioner submits that the doctor has found no injury on any part of the body nor spermatozoa in the vaginal swab.

However hymen was found



ruptured. Victim was examined by the doctor after 48 hours of the occurrence. Hence missing of spermatozoa for any other reason cannot be ruled out at this stage.

I am not inclined to enlarge the petitioner on anticipatory bail in connection with Majhulia P.S. Case No. 135 of 2019.

Hence, Prayer for bail of the petitioner is refused.

Petitioner is directed to surrender and pray for regular bail.

(Birendra Kumar, J)

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