

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29598 of 2020

Arising Out of PS. Case No.-170 Year-2018 Thana- MAHILA P.S. District- Patna

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DHARAM RABIDAS @ DHARMA RABIDAS Son of Late Jhunjhun Mochi
Resident of Village- Avagila, P.O. Mohanpur, P.S.- Gaurichak, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Jainul Abedin, APP.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 04-12-2020 This matter has been taken up in virtual court.

Heard the parties.

The petitioner is languishing in custody for the
offence punishable under Section 376 of the Indian Penal Code
and Sections 4, 8 and 12 of the POCSO Act.

According to F.I.R., the petitioner allegedly ravished
to a minor girl who is informant of this case. The victim has
supported the allegation in her statement recorded under Section
164 Cr.P.C. The occurrence took place on 10.11.2018 and the
medical report would reveal that the victim was found in
between 14-16 years. However, the doctor did not find any sign
of sexual violence nor any spermatozoa on the date of
examination on 26.12.2018.

On the basis of medical report aforesaid, learned



counsel for the petitioner submits that the allegation of rape is false one and just due to village politics petitioner has been implicated in this case.

Medical examination after lapse of more than one month may result in absence of the physical evidence of rape. The victim cannot be disbelieved at this stage.

Hence, I am not inclined to enlarge the petitioner on bail in connection with Special Case No. 225 of 2018, Mahila P.S. Case No. 170 of 2018.

Hence, prayer for bail is refused.

Learned trial court is directed to expedite the trial of the aforesaid case. If the trial is not concluded within one year, the petitioner would be at liberty to renew prayer for bail before the court below itself.

(Birendra Kumar, J)

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