

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12790 of 2021

Arising Out of PS. Case No.-28 Year-2020 Thana- MAHILA P.S. District- Araria

MD RUHUL @ RAHUL AMIN @ RUHUL S/O- Md. Sajjad @ Sajjad
Resident of Village - Rampur Mohanpur East, Ward No.- 01, P.S. - Araria
(Bairgachhi), District - Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 01-09-2021 Heard the parties in virtual Court.

The petitioner is languishing in custody for the offence punishable under Sections 376, 504 and 506 of the Indian Penal Code and Section 4 of the POCSO Act.

The petitioner is alleged to have ravished to the prosecutrix who is a minor girl.

Learned counsel for the petitioner submits that the medical report would reveal that no external injury including on the private parts was noticed by the doctor nor any spermatozoa was there. Age of the victim was assessed between 14-16 years.

At this stage, the statement of the prosecutrix cannot be disbelieved only for non-corroboration by the medical evidence as the doctor is not an expert to say whether rape was committed or not. Rape is defined in the Indian Penal Code.



Considering the facts aforesaid, I am not inclined to
enlarge the petitioner on bail in connection with Spl. (POCSO)
Case No. 07 of 2020, arising out of Mahila P.S. Case No. 28 of
2020.

Hence, prayer is refused.

Learned trial Judge is directed to expedite the trial.

(Birendra Kumar, J)

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