

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32729 of 2020

Arising Out of PS. Case No.-404 Year-2019 Thana- SHIVSAGAR District- Rohtas

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RAMPRAVESH RAM Son of Shri Lalan Ram @ Lallan Ram Resident of
Village- Padari, P.S.- Shivsagar, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur
		Mr. Udbhav
		Ms. Vaishnavi Singh
For the Opposite Party/s :		Mr. A. L. Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 19-01-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Shivsagar Police Station Case No. 404 of 2019, registered for
the offence punishable under Section 376 of the Indian Penal
Code.

The prosecution case, as per the First Information
Report, is that on 28.12.2019, at about 11 AM, the daughter of
the informant had gone for grazing a goat, where the petitioner
has committed rape upon her.

Learned Counsel for the petitioner submits that the
petitioner has falsely been implicated in this case due to village
rivalry and he has not committed any offence in the manner



alleged. He further submits that the victim girl was medically examined on the very next date, i.e. on 29.12.2019, and the doctor has opined that it is very difficult to say whether recent intercourse was done or not. He next submits that from the pathological report (Annexure-3), it would be evident that the presence of spermatozoa was also not found. He next submits that the petitioner was arrested on the same date, i.e. on 28.12.2019, but the mandatory provision laid down under Section 53-A of the Code of Criminal Procedure, 1973 has not been followed and the petitioner was not medically examined by the Investigating Officer. He next submits that the victim girl is major, aged about 26 years and the medical reports of the victim girl is not corroborating the allegations levelled in the First Information Report against the petitioner. He further submits that the petitioner is in custody since 29.12.2019.

On the other hand, learned Additional Public Prosecutor submits that the victim girl has stated against the petitioner, in her statement recorded under Section 164 of the Code of Criminal Procedure, 1973.

Having heard learned Counsel for the parties and taking into consideration the materials on record, particularly the medical evidence, I am inclined to grant regular bail to the



petitioner.

This application is, accordingly, allowed.

Let the petitioner, namely, Rampravesh Ram, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Rohtas, at Sasaram, in connection with Shivsagar Police Station Case No. 404 of 2019.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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