

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6170 of 2021

Arising Out of PS. Case No.-91 Year-2020 Thana- AANDAR District- Siwan

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ROHIT KUMAR SAH SON OF LATE LALBABU SAH @ LAL
BAHADUR RESIDENT OF VILLAGE-USARI P.S- M.H NAGAR, DISTT-
SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Mr. (Dr.) Kumar Uday Pratap

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 24-06-2021 Heard learned Counsel for the petitioner and learned

Additional Public Prosecutor for the State, through Video

Conferencing.

The petitioner seeks regular bail in connection with

Ander (M. H. Nagar) Police Station Case No. 91 of 2019,

registered for the offence punishable under Sections 341/323/

376/506 of the Indian Penal Code.

The prosecution story, as per the First Information, is

that the mental condition of the wife of the informant is not

good and the petitioner entered into the house of the informant

and committed rape upon her and the incident was witnessed by

the son of the informant and when his son raised noise, the

petitioner fled away after assaulting his son.



Learned Counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to village enmity and the petitioner has not committed any offence in the manner alleged. He, referring to paragraph 26 of the case diary, submits that soon after the occurrence, on the same date, the victim was medically examined and the doctor has opined that there was no evidence of recent sexual activity. He further submits that the petitioner was also medically examined soon after the occurrence on the same date and the doctor has come to the finding that there was no spermatozoa seen either live or dead and further on the basis of physical and laboratory report, there is no sign indicative of recent vaginal penetration/forceful vaginal penetration/sexual intercourse. He, referring to paragraph 39 of the case diary, further submits that the statement of the victim was recorded by the police under Section 161 of the Code of Criminal Procedure, 1973 and from perusal of the same, it would be evident that the victim lady has stated that the petitioner has not done anything against the victim. He next submits that the petitioner is in custody since 25.06.2020 and charge sheet has been submitted in this case and as such there is no likelihood of the petitioner being abscond or tamper with the evidence.



Having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that soon after the occurrence, on the date of occurrence, both, the petitioner and the victim lady, was medically examined and the prosecution story is not supported by the medical examination reports, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Siwan, in connection with Ander (M. H. Nagar) Police Station Case No. 91 of 2020.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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