

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.55336 of 2015

Arising Out of PS.Case No. -149 Year- 2015 Thana -PARIHAR District- SITAMARHI

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1. Habibul Ansari, son of Yunush Ansari, resident of Village- Dharharwa,
P.S.- Parihar, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Madhuranand Jha(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 15-12-2015 Heard learned counsel for the petitioner and
learned APP for the State.

Petitioner is apprehending his arrest in a case
registered for the offences punishable under Sections 341,
323, 376/34 of the Indian Penal Code.

The prosecution case is that the petitioner ravished
the informant and subsequently established physical
relationship on promise of marriage. The informant gave birth
of a male child.

It is submitted by the learned counsel for the
petitioner that even assuming the accusation, no offence
under Section 376 of the Indian Penal Code has been made
out. Though, the petitioner lodged Informatory Petition against
the brothers of the informant. Statement has been made in
para-3 of the petition that petitioner has no criminal

antecedent. Moreover the petitioner is ready to matching his D.N.A. test with that of the baby of the informant.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for four months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of like amount each to the satisfaction of learned J.M., Ist Class, Sitamarhi, in connection with Parihar P.S. Case No. 149 of 2015, subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure.

It is expected from the learned court below to issue notice to the informant and if she agrees for D.N.A. matching of baby boy with the petitioner and her then D.N.A. sample will be allowed to drawn by the recognized centre. If the D.N.A. sample of the child will not match with the petitioner, then the provisional bail of the petitioner will be confirmed, otherwise petitioner will surrender and pray for regular bail.

(Dinesh Kumar Singh, J)

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