

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27524 of 2016

Arising Out of PS.Case No. -64 Year- 2013 Thana -JOKIHAT District- ARRARIA

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MD. SIKANDAR @ CHIKU @ SIKANDAR Son of Ajimul Resident of
Village- Jogendra , Police Station Jokihat (Mahalgaon) District Araria.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Anamul Haque, Advocate

For the Opposite Party : Mr. Smt. Anita Kumari Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

4 18-10-2016

Supplementary affidavit is filed on behalf of the
petitioner.

Heard learned counsel for the petitioner, learned
counsel for the State as well as learned counsel appearing for the
informant.

There is allegation against the petitioner that he
established physical relation with the victim who was minor at the
time of establishment of her physical relationship and she became
pregnant due to above stated physical relation.

Submission on behalf of the petitioner is that the
petitioner never established physical relation with the victim and
as a matter of fact, petitioner is not the father of the child of the
victim. It is also submitted that petitioner is ready for DNA test.

Taking note of the aforesaid submissions as well as the facts and circumstances of the case, this bail petition stands disposed of with a direction to learned trial Court to take effective steps to get the DNA test of petitioner as well as child of the victim done within three months from the date of receipt/production of a copy of this order and if the DNA test suggests that the petitioner is the father of the said child, then the petitioner should not be released on bail and in that event, the trial of the petitioner should be expedited.

However, if the DNA test is found negative, the petitioner shall be released on bail fixing the amount of bail bonds on its own merit. It is also made clear that if the victim does not support in DNA test by not making available the concerned child for the test, the learned trial Court shall be at liberty to grant the release of the petitioner on bail fixing amount of bail bonds on its own level in connection with Jokihat (Mahalgaon) P.S.Case No.64 of 2013 (G.R.No.419 of 2013) pending in the Court of CJM, Araria.

(Hemant Kumar Srivastava, J)

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