

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19338 of 2019**

Arising Out of PS. Case No.-277 Year-2018 Thana- CHHAURADANO District- East
Champaran

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VIJAY KUMAR, Male, age 20, S/o Sharma Sah Resident of Village-
Chandraman, P.S.- Chauradano (Mahuwa), District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Ratanakar Jha, Advocate.

For the Opposite Party : Mr.Ganesh Prasad Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 22-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner is languishing in custody since
20.12.2018 in a case for the offence registered under Sections
376, 420 of the IPC read with Sections 4, 8 and 12 of POCSO
Act.

The prosecution story, in brief, is that the petitioner
established sexual relationship with the informant on promise of
marriage. Thereafter the victim became pregnant. Thereafter, the
petitioner refused to marry with her.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. It is further submitted that the petitioner is ready for D.N.A. test. For oblique reason, the petitioner has been made accused in the present case.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, East Champaran at Motihari, in connection with Chhauradano (Mahuawa) P.S. Case No. 277 of 2018.

The petitioner will make an application in the learned court below for D.N.A. test with regard to the child of the victim. The learned court below on the said application of the petitioner shall pass a necessary order.

If the petitioner fails to make any such application in the learned court below within a period of six weeks from the date of release of the petitioner, the bail bond of the petitioner



will be cancelled by the learned court below itself.

(Sudhir Singh, J)

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