

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 54594 of 2019**

Arising Out of PS. Case No.-93 Year-2018 Thana- IMAMGANJ District- Gaya

RAHUL KUMAR son of Sri Tilak Mistri Resident of Bageya, P.S.-
Imamganj, Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Nilesh Kumar
For the State	:	Mr. Jitendra Kumar Singh, APP
For Opposite party	:	Mr. Vinod Kumar, Adv

**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER**

7 26-02-2020 Petitioner seeks bail in connection with Imamganj P.S.

Case No.93 of 2018 registered under Sections 376, 120B,
506/34 of the Indian Penal Code and later on Section 4/6 of the
POCSO Act.

As per F.I.R. there is allegation against the petitioner
is having physical relationship with the informant on the
assurance of marriage. She became pregnant then the petitioner
tried to abort the pregnancy. Later on, when the family members
of the informant reached to the house of the petitioner, petitioner
fled away from his house and the family members of the
petitioner advised the informant to abort the child and also
threatened the informant. Later on, she gave birth to a child.

Submission of learned counsel for the petitioner is
that the whole allegation is false and concocted and child is not
of the petitioner as such he has prayed for D.N.A. test and an



order in this regard was passed by a coordinate bench of this court vide order dated 26.06.2019 in Cr. Misc. No. 6226 of 2019. Later on, the D.N.A. report was called for. Now, D.N.A. report is available from which it appears that there is no biological relationship between the petitioner and the child born by the informant.

Heard learned counsel for APP as well as learned counsel for informant who has opposed the prayer for bail. Petitioner is in custody since 11.03.2019.

Considering the report of the D.N.A. test and in view of the above facts and circumstances, let petitioner be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. 1st cum Special Judge (POCSO Act), Gaya in connection with Imamganj P.S. Case No.93/2018 (POCSO Case No.68/2018), with condition after release he will cooperate in disposal of trial and make himself available as and when required by the trial court, failing which the prosecution will be at liberty to move for cancellation of his bail bonds.

SUMIT/-

(Vinod Kumar Sinha, J)

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