

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26212 of 2020

Arising Out of PS. Case No.-621 Year-2019 Thana- BAHADURPUR District- Darbhanga

DILIP SAH Son of Domu Sah Resident of Village- Taralahi, P.S.-
Bahadurpur, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

7 05-02-2021 A sealed and key locked bag received from the Forensic

Science Laboratory, Patna is available on the record and the same has

been opened by the Bench Officer in presence of learned counsel for

the parties.

Heard learned counsel for the petitioner and learned APP

for the State.

Perused the DNA report.

The petitioner in the present case is seeking regular bail in

connection with Bahadurpur P.S. Case No. 621 of 2019 registered for

the offence punishable under Section 376 of the Indian Penal Code.

Learned counsel for the petitioner submits that the whole

case is concocted and baseless, the informant is the cousin aunt of the

petitioner and she is aged about 56 years. It is submitted that he is in

custody since 12.12.2019.

On the other hand, learned APP for the State submits that

in this case the investigating agency has adopted some scientific



procedures and in that process the 'bed-sheets' and the 'petticoat' seized from the informant and the undergarment of the petitioner as also the blood samples were sent to the Forensic Science Laboratory. It is submitted that the materials available on the record shows *prima-facie* materials against the petitioner.

Having gone through the materials on the record, this Court has noticed that there is allegation of commission of rape against the petitioner, the FSL report placed before this Court indicates some *prima-facie* material against the petitioner. This being the position, this Court is not inclined to grant privilege of regular bail to the petitioner. His prayer is thus, refused.

Let the trial be expedited. The trial court is directed to proceed with the trial without granting unnecessary adjournment. The prosecution must co-operate in course of trial.

Let the DNA report be kept in the same bag under the lock and the same be sealed. It will be returned to the Forensic Science Laboratory, Patna from where the Investigating Officer may receive the same.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

