

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4878 of 2022

Arising Out of PS. Case No.-100 Year-2020 Thana- MAHILA P.S. District- Madhubani

MD. CHAND Son of Md. Faizul Resident of Village - Madhuapatti, Police
station - Arer, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Helal Ahmad, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 16-05-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the Office, within a period
of four weeks.

The petitioner is apprehending his arrest in a case
registered under Sections 376, 420, 323 of the Indian Penal
Code and 4/8 of POCSO Act.

The prosecution allegation, in short, is that the
accused person established physical relation with the informant
on the pretext of the marriage and later denied.

It has been submitted on behalf of the petitioner that
the petitioner has got no criminal antecedent. There is no
allegation of tampering of witnesses alleged against the



petitioner. The petitioner has falsely been implicated in the present case. The case has been instituted after 10 months of the alleged occurrence. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, marriage could not be solemnized and for the said reason, the present case has been instituted. Learned counsel for the petitioner submits that the said relationship was a consensual relationship between the parties. Later, D.N.A test of the child was conducted. The D.N.A. report of the child is Annexure-2. The same does not support the fact that the petitioner is a biological parent of the child. The petitioner has placed reliance on cases of the Hon'ble Supreme Court since reported in ***2019 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharashtra & Ors)*** and ***(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)***.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail



bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge -VI-cum- Special Judge, POCSO, Madhubani in connection with G.R. Case No. 64/2020, Mahila P.S. Case No. 100/2020, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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