

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40907 of 2021

Arising Out of PS. Case No.-36 Year-2021 Thana- MAHILA P.S. District- Patna

DHARMENDRA KUMAR S/O BILAS BIND Resident of Kaushal Nagar,
Polo Road (Murgi Farm Road), P.S.- Hawaii Adda, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 22-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 31.03.2021,
seeks regular bail in connection with Special POCSO Case No.
46 of 2021 arising out of Mahila P.S. Case No. 36 of 2021 for
the offence punishable under Section 376(AB) of the Indian
Penal Code and Section 6 of the POCSO Act.

Learned counsel appearing on behalf of the petitioner
submits that charge sheet has been submitted. Perusal of the
Paragraph Nos. 12, 15 and 16 of the case diary does not
substantiate the allegation against the petitioner that he had
sexually assaulted the victim. In absence of any scientific



finding, it cannot be established that the victim was assaulted sexually.

Learned A.P.P. referring to several paragraphs of the case diary is also of the opinion that medical report cannot be substantiated without scientific determination of DNA of the petitioner in accordance with law nor it appears from the case diary that any of the garments worn by the victim were collected for the said purpose.

In view of the aforesaid facts, the court below is directed to pass a fresh order without being prejudiced by its previous order dated 21.06.2021 considering all materials collected in course of investigation.

Accordingly, this application stands disposed of.

(Purnendu Singh, J)

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