

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56084 of 2023

Arising Out of PS. Case No.-66 Year-2019 Thana- MAHILA P.S. District- Madhubani

Hari Jha @HARINATH Jha Son Of Late Niraj Jha Resident Of Village-
Baliya, Ps- Sakari, Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Anju Mishra

For the Opposite Party/s : Mr. Arun Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 25-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier the anticipatory bail of the petitioner was rejected twice by this Court with a direction to Trial Court to conclude the trial. Learned counsel for the petitioner submits that the trial is concluded and the date is fixed for judgment.

3. The petitioner seeks bail in a case registered for the offence punishable under Sections 376 of the Indian Penal Code and Sections 4 and 6 of the POCSO Act.

4. As per the prosecution case, it is alleged that the petitioner has committed sexual assault upon the victim leading to her pregnancy. It is further alleged that when the informant went to the house of the petitioner to complain about this development, the petitioner abused her and intimidated her in various ways.

5. Learned counsel for the petitioner submits that no



such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. She submits that the blood sample of the petitioner, the victim and the child was taken before the Judicial Magistrate and sent to FSL, Patna for conducting the DNA test. The Trial Court received the report from the FSL, Patna dated 03.04.2023, which categorically stated that the petitioner is not the biological father of the victim's child. She further submits that on 07.04.2023, the informant filed a petition before the Trial Court for conducting the DNA test at FSL, Hyderabad, which was rejected. Thereafter, the victim challenged the order of the trial Court dated 07.04.2023, before the Hon'ble High Court by filing Cr.W.J.C No. 1322 of 2023, which is pending. The petitioner has no criminal antecedent and has been languishing in custody since 20.03.2020.

6. Learned APP for the State opposed the bail petition.

7. Considering the facts aforesaid, the above named petitioner is directed to be enlarged 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 the learned Court below where the case is pending/successor Court in connection with Mahila P.S. (Sadar Madhubani) Case No. 66 of 2019 corresponding to G.R. Case No. 55/2019 subject to the



following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

anand/-

U		T	
---	--	---	--

