

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30281 of 2024

Arising Out of PS. Case No.-629 Year-2023 Thana- SAUR BAZAR District- Saharsa

Sanjay Kumar SON OF Prithvi Mandal RESIDENT OF VILLAGE-
JAMHARA, PS- SAUR BAZAR, DIST- SAHARSA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rashmi Jha

For the Opposite Party/s : Mrs. Sharda Kumari, App

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

4 11-09-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Sour Bazar P.S. Case No. 629 of 2023 dated 15.10.2023 registered for the offences punishable u/s 376 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner in connivance with the co-accused persons established physical relationship with the daughter of the informant on the pretext of marriage due to that she became pregnant of 8 months. A panchayati was held but it went in vain

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that there was no physical relationship between the petitioner and the victim. As per order dated 26.07.2024 of the Hon'ble High Court, the petitioner told that he was ready to get D.N.A. Test and he was ready to marry the victim girl if the D.N.A. Test would be positive. It is further submitted that the girl was having affair with someone else and she became pregnant and later on the family members of the victim started pressurizing the petitioner. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 16.10.2023.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that there is specific allegation against the petitioner. The victim girl gave birth to a child. The victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution case. It is further stated that the concerning trial court has reported that the petitioner by filing petition has prayed for order of DNA Test of the victim u/s 53A of the Cr.P.C. which is not maintainable in the eye of law, hence the petition stands rejected. It is further submitted that the petitioner had not filed any petition for his DNA Test as per the order dated 26.07.2024 of the Hon'ble High



Court. This fact shows that the petitioner disobeyed the said order of the Hon'ble High Court.

6. Considering the aforesaid facts and circumstances of the case as well as the specific and heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. learned trial court is directed to expedite the trial and conclude the same at the earliest.

8. The application stands rejected.

(Chandra Prakash Singh, J)

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