

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46009 of 2024

Arising Out of PS. Case No.-13 Year-2022 Thana- MAHILA P.S. District- Samastipur

MAHENDRA SAH SON OF LATE SITA RAM SAH RESIDENT OF
MUBARAKPUR, P.S. - MUSRIGHARARI, DISTRICT - SAMASTIPUR,
BIHAR

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. KABUTARI KUMARI DAUGHTER OF RAM DYAL SAH RESIDENT
OF MUBARAKPUR, P.S. - MUSRIGHARARI, DISTRICT -
SAMASTIPUR, BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sunil Kumar Mishra, Adv
For the Opposite Party/s	:	Mr.Anil Prasad Singh, APP
For the Informant	;	Mr. Abu Nasar, Adv

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 31-07-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Musrigharai (Samastipur) Women P.S. Case No. 13 of 2022
lodge on 03.03.2022 under Section 376/341/323/504 and 506 of
the Indian Penal Code and Section 4 of POCSO Act.

3. As per the prosecution case, F.I.R. has been lodged
against the present petitioner against whom there is an
allegation that the accused person has developed physical
relation with the informant due to which she become pregnant.

4. Learned counsel for the petitioner submits that the



petitioner is innocent and has committed no offence. Counsel also submits that the time and date of occurrence, the confirmation of pregnancy automatically indicates that false allegation has been alleged upon the petitioner. Counsel further submits that the petitioner is completely innocent and under deep rooted conspiracy his name has been figured in this case. Counsel further submits that the criminal antecedent of the petitioner is clean and the petitioner is in custody since 12.06.2023. Counsel submits that under the influence of the local persons, D.N.A. test has been conducted, but the said report has also come in collusion. Thereafter, petitioner has submitted an application for conducting another D.N.A. test of both person. i.e. informant and the petitioner.

5. Learned APP for the State opposes the prayer for bail and submits that Annexure-3 is the heading of the deposition of the informant in which in the cross-examination she has made specific allegation against the accused persons.

6. Counsel for the informant vehemently opposes the prayer for bail and submits that the informant has filed application before this Hon'ble Court for abortion which was not permitted by the Court rather from the Court's order, birth of the child took place, and subsequently, the blood sample of the



petitioner and the baby has been sent to Forensic Science Laboratory and report shows that the petitioner is the biological father of the baby.

7. In the present facts and circumstances of this case and the submissions made above, this Court is not inclined to grant bail to the petitioner. Accordingly, the bail application of the petitioner is hereby rejected.

(Dr. Anshuman, J)

Sunnykr/-

U			
---	--	--	--

