

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57607 of 2024

Arising Out of PS. Case No.-63 Year-2023 Thana- KHUDAGANJ District- Nalanda

Md. Danish S/o Md. Jainul @ Md. Jainu R/o vill - Mahmuda, P.S. -
Khudaganj, Distt. - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Ms. Rabia Gulnaz, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 26-09-2024 1. Heard learned Senior counsel for the petitioner, Mr.
N.K. Agrawal and learned A.P.P. for the State, Mr. Chandra
Bhushan Prasad.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Section 376 of the
Indian Penal Code.

3. In compliance of the order dated 24.09.2024, the
SHO, Khudaganj P.S. along with the Investigating Officer of the
case are present in the Court.

4. Learned Senior counsel for the petitioner submits
that petitioner is a person with clean antecedent and the
informant alleges that she met the petitioner in the year 2022
during the period of *Eid* and thereafter the petitioner started
establishing physical relation on pretext of marriage and when



the informant got pregnant, the petitioner refused to marry her.

5. Learned Senior counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is also submitted that the relationship was purely consensual with no promise of marriage nor it is the case of the informant that she was forcefully raped. It is next submitted that informant has already solemnized her marriage on 10.02.2023. with Md. Sabir son of Md. Faiyaz resident of village-Sarwadah, P.S.-Mahkar, District-Gaya. It is also submitted that informant has disclosed her age as 18 years and 6 months, as such, she was a major and entered into relationship with the petitioner without any force or coercion.

6. Learned A.P.P. for the State, Mr. Chandra Bhushan Prasad, submits that allegation is of establishing physical relations, based on which the informant became pregnant and when she was carrying a pregnancy, her pregnancy was terminated and the foetus was buried in a graveyard, but the police on coming to know about the occurrence took out the foetus from the graveyard for taking DNA samples and it was sent to FSL.

7. The learned APP for the State next submits that informant alleges that on account of her relationship with



petitioner, she became pregnant, but her pregnancy was aborted, it is also submitted that the foetus has been preserved for the purposes of DNA and if it is established during the course of investigation that the child was of the petitioner in that event the allegations are serious as petitioner is denying that the informant became pregnant on account of her relationship with the petitioner.

8. The learned Senior counsel appearing on behalf of the petitioner, at this stage, submits that even petitioner is willing to submit his DNA for examination in order to prove his innocence. It is next submitted that petitioner will not abscond, rather will cooperate in the investigation to prove that he has not committed any offence and the child was not his.

9. Considering the submissions made by the learned Senior counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Khudaganj P.S. Case No. 63 of 2023 subject to the conditions as laid down



under Section 438 (2) of the Cr.P.C.

10. However, it is made clear that if the petitioner does not cooperate in the investigation or does not present himself as and when required, the Investigating Officer of the case would be at liberty to file an application before the learned Trial Court bringing to its notice that petitioner is violating the condition of the grant of anticipatory bail and the learned Trial Court shall be at liberty to forthwith cancel the bail bonds of the petitioner.

11. The personal appearance of the SHO, Khudaganj P.S. and the Investigating Officer of the case is dispensed with.

12. **Accordingly, the instant anticipatory bail application stands allowed.**

(Satyavrat Verma, J)

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