

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55013 of 2023

Arising Out of PS. Case No.-259 Year-2022 Thana- LAKHNAUR District- Madhubani

NIRANJAN KUMAR MAHTO S/O RAM AVTAR MAHTO R/O VILLAGE-
GUNAKARPUR, P.O- RAJAKHARWAR, P.S- LAKHNAUR, DISTT.-
MADHUBANI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pankaj Kumar Jha, Advocate Mr. Jitendra Kumar Bharti, Advocate
For the Opposite Party/s :		Mr. Usha Kumari 1, Spl.P.P.
For the OP No. 2		Mr. Subhash Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

11 11-04-2025 Heard learned counsel for the petitioner, the State
and the informant.

2. The petitioner is in judicial custody in connection with Lakhnaur P.S. Case No. 259 of 2022 for the offence punishable under Sections 376, 323, 324, 354 and 34 of the Indian Penal Code and 4 of the POCSO Act and section 3(I)(r) (s)/3(2)(va) of the SC/ST Act lodged on 01.12.2022 by the informant, Renu Devi.

3. As per the prosecution story, the allegation is that on the pretext of marriage, physical relationship was established which led her to becoming pregnant and subsequently, the later story is that she has delivered a female child on 11.06.2023 at



Primary Health Centre, Lakhnaur (Annexure-3 to the petition.

Accordingly, the FIR.

4. This case has seen a long journey inasmuch as the petitioner was firm as reflected from the argument of its learned counsel that the child does not belong to him and he is ready to face any test.

5. In that background, this Court directed the petitioner to face the DNA Test. As he agreed, an order was passed on 13.09.2024 of making payment of Rs. 10,000/- through the Demand Draft in favour of the **Civil Surgeon-cum-Chief Medical Officer, Madhubani** who shall be fixing a date to go through the DNA Test of the petitioner *vis a vis* the female child by a Medical Board constituted by the **Civil Surgeon-cum-Chief Medical Officer, Madhubani**. The Trial Court was also directed to monitor the entire exercise of conducting the test.

6. Pursuant to the said order, the Blood samples for the DNA Test were taken for getting it tested and it was sent to Forensic Science Laboratory, Patna. The matter was taken up on 23.01.2025 when the report dated 12.11.2024 was perused according to which, though the lady-informant was found to be the biological mother of the baby child, the petitioner was not



found to be the biological father. The entire report was incorporated in the order dated 23.01.2025.

7. The informant doubted the report and submitted that the child arrived in this world only on the basis of physical relationship which she had with the petitioner. As such, she wanted a second test from the **Central Science Laboratory, Telengana Forensic Science Laboratory, Hyderabad** and was ready to pay Rs. 5,000/-.

8. In that background, not only to satisfy this Court but also to actually know the fate of the baby child who has arrived just a year ago, this Court on 23.01.2025 passed an order to get another test conducted and sent to CFSL, Hyderabad so that a report is provided.

9. A report has come, issued by the Assistant Director, Telengana Forensic Science Laboratory, Hyderabad dated 25.02.2025 and counter-signed by the Joint Director of the said Laboratory dated 27.02.2025. The result of the examination read as follows:

RESULT OF THE EXAMINATION:

DNA extracted from item nos. 1, 3 and 5 are subjected to Autosomal STR analysis by using Versaplex 27 PY kit.

The DNA profile obtained from item no. 3 is compared with the DNA profiles obtained from item nos. 1 and 5.



The allelic pattern of item no. 3 matches with the allelic pattern of item no. 1 but does not match with the allelic pattern of item no. 5.

CONCLUSION:

The Autosomal STR analysis conclusively proves that Niranjana Kumar Mahto (source of item no. 5) is not the biological father of Nidhi (Source of item no. 3). The biological mother of Nidhi (Source of item no. 3) is Puja Kumari (Source of item no. 1).

10. Learned counsel for the petitioner submits that he was granted provisional bail vide order no. 2 dated 28.08.2023 and now his contention is that he is not the father of the baby child and do not have any criminal antecedent, the provisional bail be confirmed.

11. Learned counsel for the informant submits that though she is firm that the child belongs to the petitioner, for the present, as the report is otherwise, he has nothing more to submit.

12. Considering the aforesaid facts as also the development that has taken place after 28.08.2023 when the provisional bail was granted, two reports have come, one from the **Patna Forensic Science Laboratory** and other from the **Telangana Forensic Science Laboratory** and both have confirmed that the petitioner is not the biological father of the



child though the informant is indeed the biological mother.

13. In that background, the provisional bail granted to the petitioner vide order dated 28.08.2023 stands confirmed.

(Rajiv Roy, J)

Adnan/-

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