

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74185 of 2024

Arising Out of PS. Case No.-291 Year-2023 Thana- SAKRA District- Muzaffarpur

Ajeet Kumar @ Ajit Kumar, Son of Sri Bhuwan Sahani, Resident of Village -Meerapur PS -Sakra, Dist- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Manisha Kumari, Daughter of Binod Sahni, Resident of Village -Meerapur PS -Sakra, Dist- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ravi Shankar, Advocate
For the State	:	Mr. Sanjay Kumar Pandey, APP
For the Informant	:	Mr. Jay Prakash Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 21-01-2025 Heard learned counsel for the petitioner, learned counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in connection with Sakra P.S. Case No. 291 of 2023 registered for the offence punishable under Sections 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act which was earlier rejected by the Co-ordinate Bench of this Court vide order dated 27.02.2024 passed in Cr. Misc. No. 77481 of 2023.

3. The case of the prosecution is that the co-villager of the informant Ajeet Kumar (petitioner) established physical relationship with the informant on the false promise of marriage due to

she has also been threatened of dire consequences.

4. Learned counsel appearing on behalf of the petitioner has submitted that a new circumstance has come. The blood samples were sent for D.N.A. report to the F.S.L. and the F.S.L. report is there. From perusal of the F.S.L. report, it is clear that the D.N.A. sample of Ajit Kumar (petitioner) does not match with the newly born Adarsh Kumar and it has been held that Ajit Kumar is found excluded as biological father of Adarsh Kumar. Since this report is a new circumstance and it is an evidence of conclusive nature. The petitioner has got no criminal antecedent and he is languishing in judicial custody since 07.07.2023.

5. The application for bail is vehemently opposed by learned APP for the State and learned counsel for the informant and submitted that during course of investigation, the victim has also given her statement under Section 164 of the Cr.P.C. wherein also she has supported the case.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties



of the like amount each to the satisfaction of the learned
Additional District and Sessions Judge-VI-cum-Special Judge,
POCSO-I, Muzaffarpur in connection with Sakra P.S. Case No.
291 of 2023.

(Ashok Kumar Pandey, J)

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