

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87961 of 2025

Arising Out of PS. Case No.-114 Year-2025 Thana- MAHILA P.S. District- Nalanda

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Ashwani Kumar @ Uttam @ Uttam Kumar S/o Ashok Kumar Tanti R/o
Mohalla - Paharpura, P.S - Biharsharif, District - Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Singh, Advocate

For the Opposite Party/s : Sri Chandra Bhushan Prasad, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 30-03-2026 Heard the learned counsel for the petitioner, learned
A.P.P. for the State and the learned counsel appearing on behalf of
the informant.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 69, 89, 126 (2), 115 (2),
352, 351 (2) and 3 (5) of the Bharatiya Nyaya Sanhita.

3. The S.H.O and the Investigating Officer of the case in
compliance of the order dated 02.02.2026 are present in the court
along with DNA report. The DNA report was submitted to the court
in a sealed cover and the same was opened in presence of the learned
counsel appearing on behalf of the petitioner, learned A.P.P. for the
State and the learned counsel appearing on behalf of the informant.

4. Learned counsel appearing on behalf of the petitioner
submits that the petitioner is a person with a clean antecedent and the
informant alleges that she was married to Munna and 8-9 years after



her marriage with Munna they obtained a divorce by mutual consent and thereafter informant started living at her parental home where petitioner met her in the year 2017 and on false promise of marriage established physical relation, further in the year 2017 the petitioner got employed at Pune as an engineer and when informant asked him to marry, the petitioner said that he will marry her after the marriage of his elder brother and sister. The informant next alleges that she became pregnant in the year 2020 but pregnancy was aborted and again became pregnant in the year 2024 and gave birth to a girl child but petitioner refused to marry and married Varsha, thus alleges that the petitioner on false promise of marriage exploited her physically for 7-8 years on account of which a child was also born.

5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case by the informant. It is next submitted that the informant before the learned District Court had filed an application for a DNA test of the child with the petitioner and the same was allowed and a DNA Test was conducted. Accordingly, when the case was taken up on 02.02.2026, the S.H.O and the Investigating Officer of the case were directed to remain physically present before the court on 30.03.2026 in the event if DNA report is not obtained but then it is submitted that the S.H.O and the investigating Officer of the case are present in the court along with the DNA report.

6. Learned A.P.P. for the State submits that since the DNA



report was handed over to the S.H.O today itself at 12.15 P.M as such they appeared before the court along with the report.

7. The learned counsel for the petitioner, the learned counsel for the informant along with the learned counsel for the A.P.P have perused the DNA report.

8. The learned counsel appearing on behalf of the petitioner submits that from perusal of the conclusion recorded in the DNA report it would manifest that the same records - on the basis of above observation it is sufficient to conclude that- (i) The source of exhibit marked- B/I (source- blood sample of Aswhani Kumar @ Uttam Kumar) is excluded as the biological father of the source of exhibit marked A/I (source- blood sample of Janhavi Kumari). The learned counsel for the petitioner thus submits that this amply demonstrates that how the petitioner was falsely implicated in the instant case with the aforesaid allegation as recorded hereinabove.

9. Learned counsel on behalf of the informant is not in a position to rebut the submissions of the learned counsel appearing on behalf of the petitioner.

10. After hearing the learned counsel for the parties and taking into consideration the DNA report dated 29.03.2026 contained in letter no. 1194/FSL60842/DN/800054/26 dated 30.03.2026, the petitioner above-named, in the event of his arrest or surrender 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 Nalanda Mahila P.S. Case No. 114 of 2025 subject to the conditions as laid down under Section 482 (2) of the BNSS.

11. The DNA report is hereby returned to the S.H.O in the presence of I.O who are present in the court.

12. The personal appearance of the S.H.O and the investigating officer of the case is dispensed with.

(Satyavrat Verma, J)

vashudha/-

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