

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46838 of 2013

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1. Mumtaz Rain Son Of Late Kamreddin Rain Resident Of Mohallah -
Sahjuma, P.S. - Sasaram (T), District - Rohtas

.... Petitioner/s

Versus

1. The State Of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Sinha

For the Opposite Party/s : Mr. Shyam Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH
ORAL ORDER

4 24-12-2013 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in a case registered for
the offence punishable under Section 498A of the Indian Penal
Code as well as Section 3/4 of the Dowry Prohibition Act.

There is allegation of demand of dowry and torture
therefore.

Learned counsel appearing on behalf of the petitioner at
the very outset had submitted that at the time of marriage of the
informant with the petitioner, she was carrying pregnancy which
fact was concealed.

Learned counsel appearing on behalf of the Informant, on
the other hand, in reply submitted that the informant was carrying

the pregnancy out of a relationship between her and the petitioner which fact has seriously disputed on behalf of the petitioner.

In response to a query made by the Court, both the parties have agreed to go for a D.N.A. Test.

A supplementary affidavit has been filed on behalf of the petitioner specifically stating there that the petitioner is ready for a DNA test to assess the parentage of the child.

In view of the above, the petitioner above named is directed to surrender before the Court of learned District and Sessions Judge, Rohtas at Sasaram in connection with Sasaram(T) P.S. Case No. 813 of 2013 within three weeks from today, whereupon he will be released on provisional bail.

The learned Chief Judicial Magistrate, Sasaram thereafter order for DNA Test and will confirm the provisional bail only if it is found to be negative.

In case it is found to be positive the provisional bail granted by virtue of this order shall stand cancelled.

With this observation, this application is, accordingly, disposed of.

(Chakradhari Sharan Singh, J)

Arun Kumar/-