

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24012 of 2015

Complaint Case No.. -463-C Year- 2014 Thana -WEST CHAMPARAN COMPLAINT District-
WESTCHAMPARAN(BETTIAH)

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Nikki Kumar, son of late Govind Gadhwal

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate

For the Opposite Party/s : Mr. Kumar Ranjit Ranjan (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 10-12-2015

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner denies the factum of marriage whereas it is submitted by learned counsel for the complainant that the complainant claims to have married with the petitioner and gave birth to a male child.

Both sides agree for DNA matching of the child with them.

As jointly prayed for, let the learned court below fixed a date for withdrawal of sample for DNA matching of the child, petitioner and the complainant. For the same petitioner,

complainant and the child shall appear before the learned court below on 12th January, 2016 and, thereafter the learned Court below will fix further date.

Considering the nature of dispute, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of arrest or surrender before the learned Court below within a period of 12 weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned SDJM, West Champaran, Bettiah in connection with Complaint Case No.463-C/2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by the learned court if the child's DNA does not match with the petitioner but if the report suggests otherwise then the petitioner will surrender and pray for regular bail.

In the meantime, the petitioner is ready to make payment of Rs.1,000/- per month to the complainant from January, 2016 by depositing the same in the bank account of the complainant by second week of every month.

The counsel for the complainant, on instruction, submits that the complainant is ready to accept the offer of the

petitioner and undertakes to submit bank account on affidavit before the learned court below within a period of two weeks.

Three consecutive defaults in making payment by the petitioner will give liberty to the complainant to file an application for cancellation of bail of the petitioner.

The above payment will not be treated as an admission of the petitioner of his relationship with the complainant.

(Dinesh Kumar Singh, J)

Ashwini/-

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