

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.54461 of 2015

Arising Out of PS.Case No. -41 Year- 2015 Thana -MAHILA P.S. District- BHABHUA (KAIMUR)

Rajbansh Kumar @ Rajbansh Prasad @ Sonu

.... Petitioner/s

Versus

State of Bihar & Anr

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Pathak

For the Opposite Party/s : Mr. Dr.M.K.Gautam(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-12-2015 Heard learned counsels for the petitioner and the State.

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The petitioner being the husband of the informant is apprehending arrest in a case registered for the offences punishable under Sections 498A, 323 and 406/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The basic accusation is of torture for non-fulfilment of the dowry demand.

Learned counsel for the petitioner submits that the petitioner was married with a different girl than the girl which he approved, as a result, the informant never came to her matrimonial house but subsequently she gave birth to a child.

The petitioner filed Matrimonial Suit No.27 of 2015 for dissolution of marriage on 5.6.2015 whereas the complaint was filed on 28.5.2015, which came to be registered as a police Case on 3.8.2015.

It is submitted by learned counsel for the informant that after about one year of marriage, Divorce Suit has maliciously been filed and child was born out of wedlock.

Both sides agree to get DNA matching of the child with the petitioner and the informant done.

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 twelve weeks from today, on furnishing bail bond of ₹10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Bhabua in connection with Mahila (Bhabua) P.S. Case No.41 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned Court below get DNA matching of the child with the petitioner and the informant done from an authorized centre. If the DNA of the child will not match with the petitioner then the provisional bail of the petitioner will be

confirmed by the learned Court below but if the report comes otherwise, then the petitioner will surrender and pray for regular bail.

Amrendra/-

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(Dinesh Kumar Singh, J)