

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.41421 of 2014

Arising Out of PS.Case No. -1727 Year- 2012 Thana -GAYA COMPLAINT CASE District- GAYA

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1. Md. Akbar Son of Late Md. Shohrat Resident of Village - Radhui, P.S.-
Nimchak Bathani, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar.
2. Shama Parvin, daughter of Md. Hussain, wife of Md. Akbar, resident of
Village- Rarhui, P.S. Nimchak Bathani, District- Gaya.

.... Opposite Parties.

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Appearance :

For the Petitioner : Mr. Syed Asgher Najmi, Advocate.

For the State : Mr. Dr.M.K.Gautam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE GOPAL PRASAD
ORAL ORDER

3 23-04-2015 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending his arrest in connection
with Complaint Case No. 1727 of 2012, registered under Section
498A of the Indian Penal Code as well as Section 4 of Dowry
Prohibition Act

Though, there is allegation for offence under Section
376 of Penal Code, but cognizance has not been taken for offence
under Section 376 of Penal Code and cognizance has been taken
under Section 498A and 4 of D.P.Act.

Learned counsel for the petitioner submits that no
marriage solemnised between the petitioner and complainant and
there is false allegation that petitioner has committed rape on her
and for which she became pregnant. It is submitted that petitioner
is also ready to D.N.A. test.

.Having regard to the facts and circumstances of the

case, the above named petitioner in the event of his arrest/surrender within a period of four weeks from the date of receipt of the order in the court below shall be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the Sub-Divisional Judicial Magistrate, Gaya, in connection with Complaint Case No. 1727 of 2012, subject to condition as laid down under Section 438 (2) of Cr.P.C. Further condition that petitioner will appear on each and every date fixed in this case and he shall not remain absent on two consecutive dates. However, trial court shall proceed with the trial considering the submission that petitioner is ready to D.N.A. test subject to fact that complainant is also ready to D.N.A. test.

With the above observation, the petition is disposed of.

m.p.

(Gopal Prasad, J)

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