

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46026 of 2014

Arising Out of PS.Case No. -4037 Year- 2013 Thana -COMPLAINT CASE District- ARRARIA

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Md. Imtiyaz son of Rafique Resident of village - Koshkipur, Singhiya Tola,
P.S. Araria, Distt. - Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh

For the Opposite Party/s : Mr. C.Jawahar(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

04/ 30-06-2015

Heard learned counsels for the petitioner and the

State.

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

The basic accusation is of torture.

On joint prayer of the parties the matter was referred to the Mediation Centre of the State Legal Services Authority vide order dated 18.02.2015. The report of the Mediator dated 07.05.2015 at Flag 'B' reflects that the dispute could not be resolved between the parties.

It is submitted by learned counsel for the petitioner that the petitioner is not ready to accept the offer of the complainant to resume conjugal life as the marriage was performed on 07.03.2013 whereas the complainant gave birth of a matured male child on 23.07.2013.

Considering the nature of dispute the reconciliation does not appear to be feasible at present. However, both sides agree for the DNA test of alleged child to be matched DNA of the petitioner. In the circumstances, the petitioner and the complainant along with the child shall appear before the court below on 27th of July, 2015 when the learned court below pass appropriate order for conducting DNA test.

Considering the aforesaid facts, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Araria in connection with Complaint Case No. 4037C of 2013 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be

confirmed by the learned court below within six months if the DNA of the child does not match with the petitioner, but if the DNA of the petitioner get matched with the petitioner, then the petitioner will surrender and pray for regular bail.

In the meantime, the petitioner is ready to pay Rs.700/- per month from August, 2015 to the complainant by depositing the same in her account by second week of every succeeding month.

The complainant undertakes to supply the bank account number by submitting the same on affidavit before the learned court below within a period of three weeks.

(Dinesh Kumar Singh, J)

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