

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No 51248 of 2014**

Arising Out of PS.Case No. -1266 Year- 2012 Thana -WEST CHAMPARAN COMPLAINT  
District- WESTCHAMPARAN(BETTIAH)

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1. Lallan Chaudhary Son of Late Vidyarthi Chaudhary R/o Village Sigari  
Dhudhi, P.S. Ramnagar, District West Champaran

.... .... Petitioner/s

Versus

1. The State of Bihar  
2. Sita Devi Wife of Lallan Chaudhary, D/o Bahadur Chaudhary R/o  
Village Sigari Dhudhi, P.S. Ramnagar, District West Champaran

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Brij Kishor Mishra

For the Opposite Party/s : Mr. T.N. Thakur (App)

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**CORAM: HON'BLE MR JUSTICE NAVANITI PRASAD SINGH**

**ORAL ORDER**

**3      09-06-2015**                      The petitioner apprehends arrest in Complaint Case No  
1266C of 2012 instituted under Sections 323, 498A of Indian  
Penal Code by his wife.

Learned counsel for the petitioner submits that the  
couple were married about 11 years back. In the year 2009, when  
his wife was in her Maikay, he had gone to take her but he was  
severely assaulted for which he had filed Ram Nagar Police  
Station (PS) Case No 288 of 2009. His wife was not allowed to  
come back. Now, after three years, she filed a fresh complaint  
apprehending that petitioner may file application for divorce  
which the petitioner did subsequently on grounds of adultery. The

petitioner alleges that the child with the lady, his wife is not out of their marriage.

Having considered the matter, it would be appropriate for the Court, before whom the matrimonial proceedings are pending, to get a DNA finger printing done in respect of the child as to whether the petitioner is the father or not because that would solve all the issues amongst the family.

Be that as it may, in the event of his arrest or surrender within four weeks from today, the petitioner abovenamed shall be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 01<sup>st</sup> Class, Bagaha, West Champaran in Trial No 2749 of 2014 arising out of Complaint Case No 1266C of 2012 subject to all conditions as laid down in Section 438 (2) of Criminal Procedure Code.

**(Navaniti Prasad Singh, J)**

**M.E.H./-**

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