

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24124 of 2016

Arising Out of PS.Case No. -1000 Year- 2015 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Munna Sah son of Rajendra Sah resident of village - Jahingra, P.S. - Pipra,
District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Pinki Kumari D/o Dinesh Sah R/o Village - Hasanpurwa, P.S. Chakiya,
Dist. East Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Adv.

For the Opposite Party/s : Mr. Veena Rani Pd.(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-08-2016 Heard learned counsels for the petitioner and the State.

The petitioner is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance has been taken for the offences punishable under Sections 498A, 323 and 504 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The prosecution case is that the complainant went to in-laws house of her elder sister since she was in advance stage of pregnancy when the petitioner being the brother-in-law of the elder sister of the complainant established physical relationship with her and subsequently married with her.

It is submitted by the learned counsel for the petitioner

that the petitioner denies the factum of marriage and establishment of physical relationship with the complainant. However, learned counsel for the complainant submits that the complainant gave birth to a child also.

Both sides agree to get DNA test of the child with the petitioner and the complainant done.

In the circumstances, 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 1st Addl. Sessions Judge, East Champaran at Motihari in connection with Complaint Case No. C-1000 of 2015, subject to the conditions as laid down under Section 438(2) Cr.P.C.

Let the learned court below get the DNA matching of the child with the petitioner and complainant done through some authorized centers. For drawing of the sample, the learned court below will fix the date within a period of three weeks and see that the pathological report should reach to the court within a period of two months thereafter. If the DNA of the child does not match with the petitioner then the provisional bail of the petitioner

will be confirmed by the learned court below but if the DNA of the child matches with the petitioner then the petitioner will surrender and pray for regular bail.

The cost of DNA will be born by the petitioner.

(Dinesh Kumar Singh, J)

Amrendra/-

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