

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.23517 of 2016

Arising Out of PS.Case No. -41 Year- 2015 Thana -NALANDA COMPLAINT CASE District-
NALANDA (BIHARSHARIFF)

1. Sarvan Kumar son of Late Suresh Raut, resident of village- Krishnapuri,
P.S.- Hilsa, District- Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. Kumari Madhuri Latta, W/o Sarvan Kumar, resident of village-
Krishnapuri (Miyani Bihga) P.S.- Hilsa, District- Nalanda, at present D/o
Dinesh Prasad, resident of village- Padari, P.S.- Chandi, District-
Nalanda

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar
For the Opposite Party/s : Mr. Arvind Kr.Pandey(App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 20-10-2016 The petitioner is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

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

The petitioner and the complainant are present in the Court.

The complainant claims to have married with the petitioner in the year 2013 and gave birth to a male child.

It is submitted by learned counsel for the petitioner that petitioner disputes the factum of marriage and

birth of the child. In fact, the father of the complainant realized Rs. 1,00,000/- from the petitioner for providing employment but neither employment was provided nor money was returned. Hence, the petitioner filed complaint case against the father of the complainant though subsequent to the filing of the present complaint.

It is submitted by learned counsel for the complainant/O.P. No. 2 that petitioner has performed marriage with the complainant in 2013 and out of wedlock there is a male child also. The complaint filed by the petitioner was designed to save his skin from the present case.

It is submitted that both sides are ready to get the DNA matched with the petitioner and complainant/O.P. No. 2.

In the circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for four months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Hilsa, Nalanda in connection with Complaint Case No. 41(C) of 2015.

Both sides agree to appear before learned Court below on 10th of November, 2016 when learned Court below will pass appropriate order for getting the DNA matching

of the child made with the petitioner and the complainant through some authorized centre.

The provisional bail of the petitioner will be confirmed by learned Court below if the DNA sample of the child will not match with the petitioner, but if the DNA sample of the child will match with the petitioner then petitioner will surrender forthwith and pray for regular bail.

(Dinesh Kumar Singh, J)

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