

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11138 of 2016

Arising Out of PS.Case No. -6372 Year- 2015 Thana -NAWADAH COMPLAINT CASE District-
NAWADA

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1. Manish Kumar Son of Late Indradeo Singh resident of Village- Kumar,
Police Station- Sikandara in the district of Jamui.

.... Petitioner/s

Versus

1. The State of Bihar
2. Phuti Devi, Daughter of Balram Singh, resident of Village- Dumari, P.S.-
Pakaribarawan in the District of Nawada.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sushant Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Kr.Uday Pratap(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

4 16-08-2016 Heard learned counsel for the petitioner and the
State.

The petitioner being the husband of the complainant is apprehending his arrest in a complaint case in which processes have been directed to be issued after cognizance being taken for the offences punishable under Sections 494, 498A of the Indian Penal Code.

The basic accusation is of torture and performance of second marriage.

It is submitted by learned counsel for the petitioner that petitioner disputes the factum of marriage. Though, the petitioner has filed Matrimonial Suit No. 23 of 2016 with a prayer to declare the complainant being not the wife of the

petitioner. At the same time, the prayer has also been made to declare Soni @ Suman Kumari as wife of the petitioner.

It is submitted by the learned counsel for the complainant that complainant came to have married with the petitioner and have a male child aged about 12 years.

Considering the nature of controversy, both sides are ready to get D.N.A. matching of the child with petitioner and complainant done at the cost of the petitioner.

Considering the aforesaid fact, 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 Sri Rajesh Kumar, J.M., Ist Class, Nawada in connection with Complaint Case No. 6372 of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Both the petitioner and complainant agree to appear before the learned court below on 29th of August, 2016, when the learned court below will get the date fixed for sample drawn of the minor child as well as the petitioner and the complainant for D.N.A. matching.

If the child's D.N.A. does not match with the petitioner then the provisional bail of the petitioner will be confirmed by the learned court below, but if the child's D.N.A.

will matches with the petitioner then the petitioner will surrender and pray for regular bail.

In the meantime the petitioner agrees to make payment of Rs. 2,000/- per month from September, 2016 to the complainant by depositing the same in her account by second week of every month.

It is submitted by the learned counsel for the complainant that complainant undertakes to submit her bank account number on affidavit before the learned court below within a period of two weeks.

(Dinesh Kumar Singh, J)

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