

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3926 of 2015

Arising Out of PS.Case No. -353 Year- 2014 Thana -ROHTAS COMPLAINT CASE District-
SASARAM (ROHTAS)

=====

Deepak Kumar Singh son of Sri Kameshwar Singh Resident of Village
Rupaitha, P.S. Kasaghar, District Rohtas (Sasaram).

.... Petitioner/s

Versus

1. The State of Bihar
2. Rinki Kumari , D/o Sri Hridya Singh village Mathia P.O. Kunda P.S.
Dinara District Rohtas (Sasaram)

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Babu Nandan Prasad

For the Opposite Party/s : Mr. Pradip Nr.Kumar(App)
Mr. Ram Chandra Singh

=====

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR

ORAL ORDER

14 14-12-2016 Heard Sri Babu Nandan Prasad, learned counsel for

the petitioner, learned Additional Public Prosecutor as well as Sri

Ram Chandra Singh, learned counsel who has appeared on behalf

of the complainant/ opposite party no. 2.

The petitioner apprehending his arrest in Complaint
Petition No. 353 of 2014 for the offence under Section 498(A) of
the Indian Penal Code and Section 3 and 4 of the Dowry
Prohibition Act has prayed for grant of anticipatory bail.

Earlier by order dated 30.1.2015 notice was directed to



be issued to opposite party no. 2 and thereafter on 1.7.2015 a bench of this court had directed not to take any coercive step against the petitioner in connection with Complaint Case No. 353 of 2014. At the same time this court had directed the parties to appear before the court below with the child and thereafter the court below was directed to consult the local Civil Surgeon –cum- Chief Medical Officer to get the DNA test of the child done. This order was passed keeping in view the fact that petitioner had taken a stand that complainant is not his legally wedded wife nor the child which is being claimed was born out of wedlock with the petitioner, whereas the complainant has claimed that child was born from the wedlock of petitioner and complainant /opposite party no. 2. In this case thereafter number of orders were passed however till date DNA report has not been brought on record. Whether DNA report may come as positive or negative fact remains that primarily there is apparent dispute regarding the legal marriage of petitioner with the complainant. So far as enquiry as to whether the child has been born out from the wedlock of petitioner and complainant or not , those facts are required to be examined during enquiry or trial by the court below. At least this matter may not be examined by this Court that too while hearing a petition for grant of anticipatory bail . At



the time of hearing a petition for grant of anticipatory bail only requirement is to see as to whether there is prima facie case for extending the privilege of anticipatory bail or not. Since dispute has been raised regarding marriage of petitioner with the complainant, the Court is of the opinion that it is a fit case for extending privilege of anticipatory bail . Accordingly, in the event of arrest or surrender within a period of six weeks from today, let the petitioner Deepak Kumar Singh finally be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of Sri Rajesh Pandey, Judicial Magistrate Ist Class, Bikramganj, Rohtas (Sasaram) in connection with Complaint Petition No. 353 of 2014 subject to the conditions as contemplated under Section 438(2) of the Code of Criminal Procedure 1973.

It is made clear that if subsequently the complainant obtains sufficient material to show that petitioner in the present case has made false statement denying the marriage and DNA report before the court below suggests that child was born out of wedlock of petitioner and complainant in that event the complainant would be at liberty to approach this Court by filing only mentioning slip so that this Court besides taking appropriate



action against the petitioner for making false statement may
cancel this order.

With above observation and direction anticipatory bail
petition is allowed.

(Rakesh Kumar, J)

Praful/-

U		T	
---	--	---	--

