

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14176 of 2016

Arising Out of PS.Case No. -79 Year- 2015 Thana -RUPASPUR District- PATNA

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1. Chandsi Rai @ Chandsi Prasad son of Baleshwar Rai Resident of village Bhusaula Danapur Chowk P.S. Phulwari Sharif, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Gita Devi D/o Rambali Chauhan resident of village Tahal Tola P.S. Rupaspur, District Patna.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sada Nand Roy

For the Opposite Party/s : Mr. Renu Kumari(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

4 06-10-2016

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 420, 406, 376, 498A, 494, 120B of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

The prosecution case is that the informant initially married with one Tunu Chauhan in the year 1998 but after one year of the marriage, the husband of the informant died. Thereafter, the petitioner being contractor used to engage the informant as labour, hence developed intimacy and subsequently ravished her. The petitioner, thereafter, got married with the informant and after marriage two female children were born but subsequently, torture was inflicted and thereafter, petitioner performed second marriage.

It is submitted by learned counsel for the

petitioner that petitioner denies the factum of marriage and birth of children. The petitioner is already married and is ready for the DNA matching of the daughters of the informant with him. A statement to that effect has been made in para 11 of the petition which reads as follows :-

“That the petitioner is
ready for D.N.A Test along with children of
complainant.”

It is submitted by learned counsel for the informant that informant was first ravished and thereafter on promise of marriage physical relationship continued. Consequently the petitioner got married with the informant and thereafter two female children were born but after birth of two children torture was inflicted and petitioner thereafter performed second marriage. However, the informant is also ready for DNA matching of both the daughters with the petitioner.

Considering the nature of dispute, 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 six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, Danapur, Patna in connection with Rupaspur P.S. Case No. 79 of 2015.

The petitioner and the informant along with her two daughters will appear before learned Court below on 18th of October, 2016 when learned Court below will order for drawing of sample for DNA matching of both the children with the petitioner and the informant by getting it transmitted to some authorized centre. On receipt of the DNA report, if the DNA profile of the petitioner does not match with the DNA profile of the daughters of the informant then the provisional anticipatory bail of the petitioner will be confirmed by learned Court below. However, if the DNA profile of the petitioner match with the daughters of the informant, then petitioner will surrender and pray for regular bail. In such circumstance, the informant will have liberty to further prosecute the petitioner for swearing false affidavit in the court proceeding.

Shageer/-

(Dinesh Kumar Singh, J)

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