

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38198 of 2015

Arising Out of Complaint Case No. -541 Year- 2014 Thana -EAST CHAMPARAN COMPLAINT
District- EASTCHAMPARAN(MOTIHARI)

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Arvind Kumar @ Guddu S/o Ramchandra Prasad,

.... Petitioner/s

Versus

1. The State of Bihar.

2. Manorma Kumari @ Sawita Kumari D/o Banarsi Sah, W/o Arvind Kumar @ Guddu,

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sangeet Deokuliar, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey(App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 11-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner being the husband of the complainant is apprehending arrest in a complaint case wherein process has been directed to be issued after cognizance being taken for the offences punishable under Sections 323, 498A, 406/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act.

The accusation is of torture for non-fulfillment of the dowry demand.

On instruction, learned counsel for the petitioner submits that the petitioner admits his marriage with the complainant and claims that the complainant has established physical relationship with one Dilip Kumar. The father of the petitioner filed Complaint Case No.465/2013 on 18.11.2013

against the complainant and thereafter the present complaint has been filed. The petitioner has also filed Matrimonial Suit No.200/201 of 2015 with a prayer for divorce. Learned counsel for the petitioner further submits that the petitioner disputes birth of male child out of the wedlock.

Under the circumstances, both sides agree to get the DNA matching of the child vis-à-vis the petitioner and the complainant made through some authorized centre preferably to CFSL, Hyderabad. Both sides agree to appear before the learned Court below on 9th May, 2016 when the learned Court below pass appropriate order for DNA matching of the child vis-à-vis the petitioner and the complainant through CFSL, Hyderabad at the cost of the petitioner.

It is further submitted by learned counsel for the petitioner that if the DNA of the child matches with the petitioner then he will keep the complainant and child with dignity and honour.

It is submitted by learned counsel for the complainant that the complainant is ready to accept the alternative offer of the petitioner also.

Considering the present stand of the parties, 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 SDJM, Sikarahana at Motihari, East Champaran, in connection with Complaint Case No.C 541 of 2014, subject to the conditions as laid down under Section 438(2) Cr.P.C.

The provisional bail of the petitioner will be confirmed by learned court below in two eventualities (i) if the DNA of the child does not match with the petitioner or (ii) if it matches then if the petitioner files an affidavit to the effect that he is ready to keep the complainant and the child with dignity and honour, otherwise the petitioner will surrender and pray for regular bail.

It is expected from the learned court below to make all endeavors to get the DNA matching done within a period of six months but in case of unavoidable circumstances, the learned court below will be at liberty to extend the period of provisional bail of the petitioner.

(Dinesh Kumar Singh, J)

Ashwini/-

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