

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.731 of 2016

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1. Nawal Sharma @ Nawal Kishore Sharma Son of Late Paramdhan
Sharma R/o village- Chainpur, P.O. - Ahiyapur, P.S. Koach, District-Gaya

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police-cum-
inspector General of Police, Gaya
2. The Superintendent of Police, Gaya, District-Gaya

.... Respondent/s

with

Criminal Writ Jurisdiction Case No.396 of 2016

Arising Out of PS.Case No. -null Year- null Thana -null District- GAYA

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1. Nawal Sharma @ Nawal Kishore Sharma Son of late Paramdhan Sharma
R/o Village- Chainpur, Po Ahiyapur, PS Koach, District Gaya.

.... Petitioner/s

Versus

1. The State of Bihar Through The Director General of Police-cum-
inspector General of Police, Gaya & Anr.
2. The Superintendent of Police, Gaya District Gaya.

.... Respondent/s

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Appearance :

(In Cr. WJC No.731 of 2016)

For the Petitioner/s : Mr. Dinu Kumar, Advocate
Mr. Arvind Kumar Sharma, Advocate

For the Respondent/s : Mr. S.K. Singh, AC to AAG-10

For the Informant : Mr. S. Azim, Advocate

(In Cr. WJC No.396 of 2016)

For the Petitioner/s : Mr. Dinu Kumr, Advocate
Mr. Rajesh Kumar Singh, Advocate

For the Respondent/s : Mr. Rakesh Kumar Shrivastava, AC to GP-15

For the Informant : Mr. S. Azim, Advocate

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

5 20-10-2016

Heard Mr. Dinu Kumar, learned Counsel for the

petitioners, and Mr. S. Azim, learned Counsel, appearing on

behalf of the Informant. Heard also Mr. S.K. Singh, learned

Assistant Counsel to Additional Advocate General No.10, and Mr. Rakesh Kumar Shrivastava, learned Assistant Counsel to Government Pleader No.15, appearing on behalf of the State-respondents.

With the help of these two applications, made under Articles 226 and 227 of the Constitution of India, in substance, the petitioner-accused, who is accused in Magadh Medical College and Hospital Gaya Police Station Case No.87 of 2011 (Trial No.2676 of 2014), has sought for a direction for further investigation by conducting DNA test of Adarsh Kumar, who, according to the petitioner, born from the wedlock of deceased Poonam Sharma (mother) and Saket Kumar (father) so as to determine if the *inquest/post mortem* was performed on the dead body of Poonam Sharma or not.

In view of the fact that neither the *inquest* nor the *post mortem* give any indication that the dead body was decomposed coupled with the fact that it is the photograph, available in the case diary, of the deceased, this Court is of the view that, at this stage, the prayer for further investigation, for the purpose of conducting DNA Test, as has been sought for, is not tenable. Both these writ petitions are, therefore, as has been sought by the learned counsel for the petitioner, allowed to be

withdrawn with liberty granted to the petitioner to approach this Court with appropriate application, in future, if so advised, and/or take recourse to such provisions of law as may be permissible.

Mkr./-

(I.A. Ansari,CJ)

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