

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3991 of 2017

Arising Out of PS.Case No. -337 Year- 2016 Thana -EAST CHAMPARAN COMPLAINT District-
EASTCHAMPARAN(MOTIHARI)

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Sunil Kumar, Son of Yogendra Baitha, resident of village-Gurmia, P.S.-
Ghorasahan, District - East Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. Geeta Devi, wife of Sunil Kumar, daughter of Raj Kishore Baitha,
Resident of Village- Gurmia, P.S.-Ghorasahan, District-East
Champaran, at present resident of Village- Deepahi, (Sao Tola), P.S.-
Chiraiya, District- East Champaran.

.... Opposite Parties

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Appearance :

For the Petitioner : Mr. Sunil Kumar No.III, Advocate.
For the State : Md. Nazir Ansari, APP
For the Opp. Party no.2 : Mr. Umesh Kumar Singh, Advocate.

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

10 13-12-2017 D.N.A. report has been received which was in sealed
envelop. The sealed envelop has been opened in presence of both
the learned counsels. Four sealed envelops have been received
here which is evident from the office report also. From perusal of
the D.N.A. report it reveals that Sunil Kumar is biological father
of the child Sweeti Kumari. The examination report of the D.N.A
is again kept in the envelop.

Heard the learned counsel for the petitioner, the
learned A.P.P. for the state and the learned counsel for the
opposite party no.2.



In this application for anticipatory bail the petitioner apprehends his arrest in connection with Trial No. 2561 of 2016 arising out of Complaint Case No. C- 337 of 2016 for the offence punishable under section 498 (A) of the I.P.C.

Allegedly, the complainant was married with the petitioner in the year 2013 according to Hindu Rites and Customs. In the month of March, 2014 Sunil Kumar joined service in the Railway Department and thereafter demanded cash of Rs 5,00,000/- and one Maruti Vehicle as dowry and due to non fulfillment the petitioner started cruelty and harassment with the complainant. The parents of the complainant intervened in the matter and a Panchayati has been convened but in vain. The complainant also became pregnant and getting the knowledge the petitioner tried to abort. The petitioner made an attempt to commit murder of the complainant but on the intervention of nearby persons she was saved and ultimately on 10.09.2016 the petitioner drove away the complainant from the in-laws house after assaulting and snatching her belongings.

Submission is of false implication, as a matter of fact the petitioner is not the husband of the complainant and he is Devar of the complainant and when he got service then the complainant filed this false case, actually the complainant was



married with the elder brother of this petitioner, namely, Pramod Baitha and as such the petitioner deserves sympathetic consideration.

The learned A.P.P. and the learned counsel for the complainant oppose prayer for pre-arrest bail of the petitioner by submitting that now from the examination report of the D.N.A. it is apparent that the petitioner is biological father of the child born out of the wedlock.

In the facts and circumstances stated above, considering the allegation attributed against the petitioner, I am not inclined to grant privilege of pre-arrest bail to him and accordingly his such prayer stands rejected in connection with the aforementioned case pending in the court of Sri Manoj Kumar, Judicial Magistrate, 1st Class, Motihari, East Champaran.

Let the examination report of the D.N.A. test received from the court below be returned to the court below in a sealed envelop for needful.

Abhay/-

(Jitendra Mohan Sharma, J)

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