

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38043 of 2016

Arising Out of PS.Case No. -117 Year- 2016 Thana -PAHARPUR District-
EASTCHAMPARAN(MOTIHARI)

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Pran Ranjan Prasad Shrivastava son of Yogendra Prasad Shrivastava
Resident of Village - Kotwa, Police Station - Paharpur, District - East
Champaran.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Kumari Supriya Verma @ Supriya Srivastava wife of Pran Ranjan Prasad Shrivastava, D/o Vijay Verma At present R/o Village - Sathi, P.O. - Dharampur, P.S. - Sathi, Distt. - West Champaran.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhurendra Kumar

For the Opposite Party/s : Mr. Sri Sakir Ahmad

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

05/ 03-02-2017

Heard learned counsels for the petitioner, State
and the informant-opposite party no.2.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 498A of the Indian Penal Code
and 3/4 of the Dowry Prohibition Act.

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

Learned counsel for the petitioner submits that
the petitioner admits his marriage with the informant on
27.04.2015 but since immediately after marriage the informant



was found carrying pregnancy of eight weeks, which gets reflected from the ultrasound report of the informant dated 20.06.2015 as contained in Annexure-3, the petitioner filed Matrimonial Suit No. 182 of 2016 on 21.06.2016 on the ground of cruelty and adultery. It is further submitted that the baby girl of the informant is not of the petitioner. In the circumstances, it is not feasible at present for the petitioner to keep the informant.

Learned counsel for the informant submits that the informant denies the factum of ultrasound report.

Both sides are ready to get DNA matching of the child with that of the petitioner and the informant. In the circumstances, both sides agree to appear before the learned court below on 15th of February, 2017 when the learned court below will get the sample drawn and transmitted to some authorized centre for DNA matching of the child. The cost of the DNA matching will be borne by the petitioner.

In the circumstances, let the above named petitioner be released on provisional anticipatory bail for six months, in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-



divisional Judicial Magistrate, Sadar, East Champaran at Motihari
in connection with Paharpur P.S. Case No. 117 of 2016, subject to
the conditions as laid down under Section 438(2) of the Cr.P.C.

The provisional bail of the petitioner will be
confirmed by the learned court below if the DNA of the child will
not match with the petitioner but if the DNA matching report
suggests otherwise then the petitioner will surrender and pray for
bail.

(Dinesh Kumar Singh, J)

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