

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39359 of 2016

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1. Md. Ejaz @ Md. Azaz son of Md. Kuddus, resident of Village-
Madhwapatti, P.S. Arer, District Madhubani

.... Petitioner/s

Versus

1. Manisha Khatoon wife of Md. Ejaz @ Azaz daughter of Md. Sabbir,
resident of village- Madhwapatti, Police Station- Arer, District- Madhubani
2. The State of Bihar null null

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar

For the Opposite Party/s : Smt. Meena Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**

ORAL ORDER

7 12-04-2017 This Court vide order dated 04.04.2017 adjourned

this matter for today i.e., 12.04.2017, hence it is listed today but

by inadvertence in the order sheet the next date of hearing has

been recorded as 12.05.2017. This mistake has been verified by

the Court Master from the entry recorded in the computer.

The order dated 4.4.2017 is modified to the extent
that this matter be listed on 12.4.2017 which has wrongly been
typed as 12.5.2017.

Heard learned counsels for the parties.

The present application has been filed for
modification of the order dated 26.11.2015 passed in Cr. Misc.
No. 36601 of 2015 for extending the period of provisional bail



till receipt of D.N.A. matching report before the learned court below.

The factual matrix of the case is that the petitioner preferred Cr. Misc. No. 36601 of 2015 with a prayer for anticipatory bail in a case under sections 498A/34 of the IPC and sections 3 and 4 of Dowry Prohibition Act. The petitioner denied the factum of marriage and birth of child.

On joint prayer of the parties, both sides agreed for DNA matching of the child with that of the petitioner and the informant. The parties also agreed to appear before the learned court below for drawing up of samples for DNA matching. The petitioner was granted provisional bail for six months. The provisional bail was directed to be confirmed if the DNA of the petitioner does not match with the child but in case of matching, the petitioner was directed to surrender and pray for regular bail.

The report of the Director, Forensic Science Laboratory, Patna dated 3.4.2017 reflects that the DNA of the child namely Md. Azan matches with that of the petitioner Md. Azaz.

In the circumstances, this court is not inclined to allow the modification application. Hence, the same is rejected.

It is expected from the petitioner to surrender



before the learned court below within four weeks and pray for regular bail.

(Dinesh Kumar Singh, J)

Anil/-

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