

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.34 of 2018

Arising Out of PS. Case No.- Year-1111 Thana- District-

=====

Durgesh Kumar @ Deelip Kumar, s/o Deonandan Yadav, r/o Village-
Chaugain, P.S.- Roushanganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Savita Devi, w/o Durgesh Kumar @ Deelip Kumar, d/o Fulchand Yadav,
3. Chandan Yadav, minor son of Durgesh Kumar @ Deelip Kumar, under the guardianship of his mother Savita Devi, both are r/o Village- Chaugain, P.S.- Roushanganj, District- Gaya. At present r/o Village- Parsa Chuan, P.S.- Raushanganj, District- Gaya.
4. Das Ashok Kumar, the Director In-charge, State Forensic Science Laboratory, Patna.

... .. Opposite Party /s

=====

Appearance :

For the Petitioner/s	:	Mr. Kunwar Narayan Jamuar, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP
For Opposite Party No.2	:	Mr. Javed Jafar Khan, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 19-11-2019

Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the opposite parties no. 2
and 3.

2. The petitioner has moved the Court against the
order dated 14.09.2017 passed by the Principal Judge, Family
Court, Gaya, in Miscellaneous Case No.95 of 2007 by which he
has been directed to pay monthly maintenance of Rs.3,000/- to
the opposite party no. 2, who is his wife, and Rs.2,000/- to the
opposite party no. 3, who is claimed to be his son.



3. The matter has been considered on a number of occasions and upon mutual consent, the Court had directed for DNA Test of the opposite party no. 3 on the categorical stand taken by the petitioner that he is not the biological father of the opposite party no. 3. Report has been submitted to the Court by the Director, Forensic Science Laboratory, Bihar, Patna, and after perusal it has been kept in sealed cover with a direction not to be divulged to any person without either permission of the Court or in accordance with law.

4. In the light of the finding of the DNA Test, learned counsel for the opposite parties no. 2 and 3 submitted that the matter be disposed off as the opposite party no.2 would not contest, and, in fact, she wants to withdraw Miscellaneous Case No.95 of 2007 itself.

5. Having regard to the aforesaid, the Court does not find it expedient to remand the matter to the Court below only for the purpose that the opposite party no.2 would be withdrawing the application. Once stand has been taken on behalf of the opposite party no.2 that she would not be pursuing the case and that she would, in fact, withdraw Miscellaneous Case No.95 of 2007, the Court, for securing the ends of justice, deems it appropriate to pass orders by which matters can be



concluded.

6. Accordingly, the application is allowed. The order allowing monthly maintenance to the opposite parties nos. 2 and 3 by the Court below stands set aside. As stand on behalf of the opposite parties nos. 2 and 3 before the Court is that the case itself shall be withdrawn, the Court would further observe that Miscellaneous Case No.95 of 2007 filed before the Court of the Principal Judge, Family Court, Gaya, also stands withdrawn as a consequence thereof.

7. In addition to the earlier direction, the DNA Test report, which is on record, shall be kept along with the order of the present case and not destroyed by the office.

(Ahsanuddin Amanullah, J)

J. Alam/-

AFR/NAFR	
U	
T	

