

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51934 of 2014

Arising Out of Case No.-1727 Year-2012 Thana- GAYA COMPLAINT CASE District- Gaya

Md. Akbar @ Md. Akabar Son of Late Md. Shohrat Resident of Village -
Radhui, P.S. Nimchak Bathani, District - Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Shama Parween Daughter of Md. Hasnain, Wife of Md. Akbar, Resident of
Village - Radhui, P.S. Nimchak Bathani, District - Gaya.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Syed Asgher Najmi, Advocate
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER

7 09-04-2019 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has moved the Court under Section
482 of the Code of Criminal Procedure, 1973 for the following
relief:

*“ That this is an application for quashing the order
dated 30.07.2013 passed by learned S.D.J.M., Gaya
whereby the learned Court below has taken
cognizance against the petitioner in Complaint Case
No. 1727/2012 under section 498 (A) of the Indian
Penal Code and Under Section 4 of Dowry
Prohibition Act.”*

3. At the very outset, learned counsel for the petitioner



submitted that though the allegation is that from the petitioner, the opposite party no. 2-complainant had become pregnant but the Family Law relating to the parties does not permit marriage during pregnancy. It was submitted that the Court below has directed for D.N.A. test of the child born to opposite party no. 2. Thus, learned counsel submitted that the matter be disposed off to enable him to pursue the matter before the Court below itself depending on the result of the D.N.A. test.

4. Learned A.P.P. does not oppose.

5. Having regard to the aforesaid, as prayed for by learned counsel for the petitioner, the application stands disposed off as withdrawn with liberty to him to pursue the matter before the Court below itself.

(Ahsanuddin Amanullah, J)

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