

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42937 of 2016

In
Civil Writ Jurisdiction Case No.3651 of 2016

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

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Tarkeshwar Singh son of late Sudama Singh, R/O Mohalla-Chand Chaura,
PS-Vishnupad, District-Gaya.

... .. Petitioner/s

Versus

1. State Of Bihar
2. Pramila Devi D/O Ram Chandra Prasad, wife of Sri Tarkeshwar Singh
R/O Mohalla-Chand Chaura, PS-Vishnupad, District-Gaya, at present residing
at C/O late Ram Chandra Prasad, Near Dr. Tapeswar Ram, Mohalla, Park
Road, PS, Kadamkuan, Distt-Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar, Adv.
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

7 11-12-2023 Heard the parties.

2. The present petition has been filed under Section
482 CrPC against order dated 10.12.2015 passed by Ld.
Additional Principal Judge, Family Court, Patna in Maintenance
Case No. 100(M) of 2009. By the impugned order, Ld. Family
Court has posted the matter for hearing on the point of DNA
Test of the petitioner.

3. Ld. Counsel for the petitioner submits that there
was no such prayer or issue involved in the proceeding with
regard to DNA Test and the Ld. Family Court is hearing on this
issue which is not legal. He further submits that after hearing



both the parties, the matter has been fixed for passing final order by order dated 18.09.2015.

4. Fact remains that the order is still not passed on DNA Test by the Ld. Family Court. In such a situation, I am of the considered view that the present petition is premature. If the petitioner finds himself aggrieved after final order being passed by the Ld. Family Court on the issue of DNA Test, he will have liberty to prefer an appropriate petition against that order before appropriate forum.

5. Accordingly, the present petition is dismissed as immature.

(Jitendra Kumar, J)

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