

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72717 of 2022

Arising Out of PS. Case No.-797 Year-2020 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Md. Manjoor Alam S/O Gulam Rabbani Resident Of Village- Ballipara, P.S.-
Azamnagar, District- Katihar, Pin- 855113

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Madhav Krishna, Advocate

For the Opposite Party/s : Mr. Parmanand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2023 Heard Mr. Madhav Krishna, learned counsel

appearing on behalf of the petitioner and Mr. Parmanand Prasad,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Complaint Case No. 797 of 2020 registered under Section
498(A) of the Indian Penal Code read with Section 3/4 of the
Dowry Prohibition Act.

3. The prosecution story, in brief, is that Opposite
Party No. 2 and the petitioner were in a relationship and out of
the said relationship, the Opposite Party No. 2 delivered a minor
child. The petitioner is not ready to keep the Opposite Party No.
2 and the minor child which led to the filing of the present
complaint.

4. Learned counsel appearing on behalf of the



petitioner submits that he has received instruction that petitioner is ready to undergo DNA Test to ascertain the biological father of the child which has been delivered by the Opposite Party No. 2.

5. Considering the aforesaid submission of the petitioner that he is ready to undergo paternity test, the Court below is directed to get the DNA test done of the petitioner and ascertain the parenthood of the child which has allegedly claimed by the Opposite Party No. 2. For undergoing DNA test and other medical test, the petitioner is directed to be released on provisional bail for a period of six weeks during which the petitioner will make himself available before the Medical Board and will undertake the DNA test to prove the paternity of the child. In case the petitioner is not the biological father of the minor child then in that case, the provisional bail granted to the petitioner shall be made absolute subject to the terms and conditions as laid down under Section 438(2) of the Cr.P.C. and further any condition fixed by the Court below.

(Purnendu Singh, J)

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