

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70521 of 2025

In
CRIMINAL REVISION No.568 of 2024

Arising Out of PS. Case No.-02 Year-2025 Thana- District- Araria

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Lakshmi Prasad Nayak S/O Late Ram Yash Nayak Resident of Mohalla-
Aadarsh Nagar, ward No. 16, P.S- Araria and Distt.- Araria.

... .. Petitioner/s

Versus

1. Jabi Tara Devi W/O Laxmi Prasad Nayak R/O Village- Om Nagar W.No.-8,
Araria Police Station and Distt.- Araria.
2. Juli Kumari D/O Laxmi Prasad Nayak R/O Village- Om Nagar W.No.-8,
Araria, P.S- Distt.- Araria.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rahul Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Bidhanesh Misra, APP

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CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 10-10-2025 This is an application for modification of the final order dated 17th June, 2025 passed in Criminal Revision No. 568 of 2024 directing the learned Trial Court to take necessary step to obtain the original FSL Report within one month from the date of communication of this order and on the basis of such FSL Report, the Trial Court was directed to consider as to whether the opposite party is the biological father of the petitioner no. 2 or not, after giving opportunity to the learned Advocates for both the parties.

2. It is submitted by the learned Advocate on behalf of the opposite party/husband that the issue regarding the veracity



of the FSL Report was considered vide the Order No. 3 of 23rd April, 2025 in Criminal Revision No. 568 of 2024 in Paragraphs 3 & 4. Paragraphs 3 & 4 of the order dated 23rd April, 2025 runs thus :-

“3. It is, however, contended by the learned Advocate for the petitioners that in the trial court, a DNA report of the minor child was produced from the FSL, Patna, and it was opined that the opposite party is the biological father of petitioner No. 2. The trial court did not consider the said document on the ground that the DNA test was conducted in another proceeding. Secondly, the corroborative report of the DNA test conducted by FSL, Patna, was not received from the Central Forensic Science Laboratory, Calcutta.

4. Thus, it is contended on behalf of the petitioners that the trial court may be directed to obtain the CFSL report from Calcutta and to decide the case as to the paternity of petitioner no. 2 afresh because even a biological father is under an obligation to pay maintenance to his illegitimate child.”

3. I am in agreement with the learned Advocate for the opposite party that in final order dated 17th June, 2025 passed in Criminal Revision No. 568 of 2024, it is not specifically directed that the Trial Court should considered the



CFSL Report with regard to the DNA Test to be obtained from Calcutta to decide paternity of the petitioner party no. 2 afresh.

4. The learned Advocate for the petitioners has not raised any objection, if the DNA Report from the CFSL, Calcutta is directed to be brought in record by the Trial Court for consideration of paternity of the petitioner no. 2 with the opposite party.

5. Therefore, the order dated 17th June, 2025 passed in Criminal Revision No. 568 of 2024 be read along with Paragraphs 3 & 4 of the order dated 23rd April, 2025.

6. With the above direction, the instant application is disposed of.

(Bibek Chaudhuri, J.)

Jyoti Kumari/-

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