

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8894 of 2019**

Arising Out of PS. Case No.-1015 Year-2009 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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NITISH KUMAR Son of Sri Sudhir Singh Resident of Village – Kachra, P.S.
Chandi, District Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Jyoti Daughter of Shravan singh Resident of Village - Mohan Khanda,

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar
For the Opposite Party/s : Mr.Sanjay Kumar

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

4 29-04-2019 Heard learned counsel for the parties.

The petitioner is apprehending his arrest in connection with Complaint Case No.1015C of 2009 , registered for offences punishable under Sections 323,, 379, 498(A)/34 of the Indian Penal Code.

Allegation against the petitioner is of subjecting his wife O.P.no.2 of cruelty with respect to demand of Rs.01 lac, T.V. and Hero Honda vehicle.

Submission of the learned counsel for the petitioner is that as a matter of fact a divorce case was filed in which *ex parte* order was passed in favour of the petitioner earlier filing of this case, which will appear from Annexure 2 and he has also



stated that after the divorce both the parties have solemnized their second marriage.

Heard learned A.P.P. also.

In this case, notice was issued to O.P.no.2 and it appears that father of O.No.2 has received notice and a petition for joitness between the father of the O.P.no.2 and O.P.No.2 has also been filed by filing I.A.No.1 of 2019 but in spite of that O.P.no.2 has not appeared .

In such view of discussions made above, I.A.No.1 of 2019 is allowed, let petitioner in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt of order be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nalanda, Bihar Sharif in connection with Complaint Case No.1015(C) f 2009, subject to condition as laid down under Section 438 (2) of the Code of Criminal Procedure.

With the aforesaid direction, this application is allowed.

(Vinod Kumar Sinha, J)

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