

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16352 of 2020

Arising Out of PS. Case No.-1418 Year-2018 Thana- COMPLAINT CASE District- Banka

Nitish Kumar @ Nitish kumar Singh @ Chhotu Son of Dilip Singh Resident
of Sohani, P.S. Rajaun, District Banka, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Soni Kumari Daughter of Sant Kumar Singh Resident of Village Gosayi Chak, P.S. Rajaun, District Banka, Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan, Advocate
For the Opposite Party/s : Mr. Umesh Lal Verma, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 09-06-2020 The matter has been taken up through virtual Court proceeding.

Heard Mr. Prabhat Ranjan, learned counsel for the petitioner and Mr. Umesh Lal Verma, learned APP for the State.

The petitioner, being the husband of the complainant, is languishing in custody since 27.01.2020 in a complaint case, wherein process has been directed to be issued after cognizance being taken for the offences under Section 498A of the Indian Penal Code and Section 4 of Dowry Prohibition Act, hence, the prayer for grant of bail has been made.

The prosecution case, as per the complaint petition, filed by Soni Kumari, is to the effect that the complainant was married with the petitioner on 17.06.2017 but since the petitioner had illicit relationship with one Reshmi Chaturvedi,



on protest being made by the informant, the torture was inflicted upon the complainant and ultimately, she was driven out from the matrimonial house by all the accused persons including the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the complainant and it is the complainant who is not ready to reside with the petitioner. The complainant has also filed Misc. Case No. 71 of 2019 before the court concerned claiming maintenance under Section 125 Cr.P.C.

Learned APP for the State submits that the petitioner is the husband of the complainant and thrust of accusation is against him.

Considering the nature of accusation and the petitioner has remained in custody for about five months, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Sub-divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1418(C) of 2018.

However, in view of the present pandemic, COVID-19, it will be open for the learned Court below to



accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Sub-divisional Judicial Magistrate, Banka in connection with Complaint Case No. 1418(C) of 2018.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

(Dinesh Kumar Singh, J)

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