

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.611 of 2020

Arising Out of PS. Case No.-599 Year-2019 Thana- NAWADA District- Nawada

1.Nitish Kumar Pandey son of Balmiki Pandey
2. Bhola pandey son of Sri Chandrika Pandey

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj

For the Opposite Party/s : Mr.Kanhaiya Kishore(App100)

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 20-02-2020 Heard learned counsel for the petitioners as well as
learned Additional Public Prosecutor for the State.

Petitioners apprehend their arrest in connection with
Nawada Town P.S. Case No. 599 of 2019 registered for the
offences punishable under Sections 341, 323, 504, 498(A) of the
Indian Penal.

Petitioner no. 1 is husband whereas petitioner no. 2 is
maternal uncle-in-law of the informant.

The informant claims that petitioner no. 1 along with
some unknown persons came at her residence and assaulted her
as well as her brothers.

Submission on behalf of the petitioners is that much
prior to lodging of the present case, the petitioner no. 1 had



given an informatory petition against the informant and others in the court of Chief Judicial Magistrate, Patna and subsequently, he filed matrimonial case against the informant for restitution of his conjugal right but after filling of aforesaid matrimonial suit, the informant brought this case in retaliation. He further submits that petitioner no. 1 is still ready to keep the informant with him with full honour and dignity but it is the informant, who does not want to lead her conjugal life with petitioner no. 1.

On the other hand, learned counsel for the informant submits, that petitioner no. 1 used to assault the informant and that is the reason, the informant does not want to lead her conjugal life with the petitioner no. 1. He further submits that in the present case, there is specific allegation against the petitioner no. 1, that he assaulted the informant as well as her brothers and the injuries found on the person of informant as well as her brothers have been incorroborated at Para-18,19,20 of the case diary, which is evident from perusal of the impugned order.

Since the present case has been registered under bailable sections except section 498A of the Indian Penal Code but, the fact of the present case prima facie does not constitute



an offence punishable under section 498A of the Indian Penal Code because there is nothing in the written report that the informant was assaulted in connection with her marriage.

Considering the aforesaid facts and circumstances as well as submissions of the parties, this anticipatory bail petition is allowed and it is ordered that petitioners, in the event of their arrest/ surrender within four weeks from the date of receipt of this order to the court concerned, shall be released on bail on furnishing bail bonds of Rs 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Nawada in Nawada Town P.S. Case No. 599 of 2019 subject to condition as laid down under Section 438(2) of the Cr.P.C.

N.K/-

(Hemant Kumar Srivastava, J)

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