

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28261 of 2021

Arising Out of PS. Case No.-39 Year-2020 Thana- MAHILA P.S. District- Patna

Nitish Kumar @ Nitish Kumar Singh Son Of Sri Dilip Kumar Singh Resident
Of Near J.M College, Bhurkhunda, P.S.- Bhurkhunda, Dist- Ramgarh
(Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Anand Kumar
For the Opposite Party/s	:	Mr. Chandra Mohan Jha
	:	Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 27-08-2021 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State through virtual court proceeding.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the Bench.

The petitioner seeks bail in connection with Mahila P.S. Case No. 39 of 2020 registered for the offence punishable under Sections 498A/504/34 of the Indian Penal Code.

The prosecution case based on written report of the informant namely *Ekta Kumari* is that the marriage of informant was solemnized on 13.02.2019 with *Nitish Kumar*, petitioner herein. It is alleged that informant's father gave as gift cash amount of Rs.



10,00,000/- for expense and articles worth Rs. 8,00,000/-. It is further alleged that informant's in-laws demanded Rs. 25,00,000/- for purchase and registration of land in the village and assured to return the amount. Thereafter, informant's father transferred Rs. 20,00,000/- in the account of on *Dilip Singh* and some amount in the account of *Bhola Singh* and his wife *Gudiya Singh*. It is further alleged that the informant was abused by her in-laws along with petitioner and they demanded Rs.10,00,000/- and one four wheeler vehicle as dowry and when her father refused they started abusing and assaulting her due to which she had miscarriage. It is further alleged that her mother-in-law also snatched her jewellery.

Learned counsel for the petitioner submits that petitioner has falsely been implicated in this case and has not committed any offence as alleged in the FIR. He submits that earlier the informant had filed complaint case against the petitioner at Rewa in State of M.P. at his place of posting bearing Complaint Case No. 115 of 2020 dated 19.01.2020 in Mahila Thana, Rewa, thereafter, petitioner has also filed complaint before Superintendent of Police, Rewa on 30.01.2020 but the matter has been compromised between them at that time. He submits that informant came to her matrimonial home in Jharkhand and her behavior with the family members of the petitioner drastically changed and due to which father-in-law of informant filed informatory petition bearing No. 20 of 2020 in the Court of S.D.M., Ramgarh. It is also alleged that informant came to



Patna and in collusion with her father instituted the present case and the entire occurrence is said to have been taken place in State of M.P. and Jharkhand and no occurrence had taken place in Patna. He further submits that due to this petitioner has been terminated from his service. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. The petitioner has no criminal antecedent as has been mentioned in para 3 of this bail petition and he is languishing in custody since 09.01.2021.

Learned counsel for the informant submitted that informant wants to stay with the petitioner in order to preserve the sanctity of marriage. On request opportunities were provided for the settlement but the petitioner is not ready to stay with the informant.

Learned APP for the State opposed the bail petition.

Considering the facts aforesaid and submissions made by the parties, the above named petitioner is directed to be enlarged on bail, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor Court in connection with Mahila P.S. Case No. 39/20.

(Anjani Kumar Sharan, J)

GAURAV S./-

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