

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55396 of 2022**

Arising Out of PS. Case No.-3 Year-2022 Thana- MAHILA P.S. District- Patna

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Nishikant Singh @ Nishikant Kumar Singh @ Nishikant Kumar Son Of Sri  
Mritunjya Kumar Singh @ Mritunjya Singh R/O Village And P.O.- Fatehpur,  
P.S.- Didarganj, Distt.- Patna, Present Add.- New Jaganpura, Near Bisaf  
School, P.S.- Ramkrishna Nagar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Sanjeev Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Sangeeta Sharma, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

2      18-01-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Let the defect(s), if any, as pointed out by the  
office, be removed within four weeks.

The petitioner is apprehending arrest in connection  
with Mahila P.S. Case No. 03 of 2022 under sections  
323/498(A)/34 of the Indian Penal Code and 3/4 of D.P. Act.

As per the FIR, the informant has alleged that she  
was married to the husband in the year 2011 but since then she  
was tortured for dowry and in between, the couple was blessed  
with three children but the torture continued, forcing her to  
lodge this FIR.

Learned counsel for the petitioner submits that she



is in the habit of leaving her in-laws house and on the last occasion she had left her three children too who are being taken care by the petitioner-husband.

The last submission is that he has already preferred Divorce Suit in 2019 and till any order is passed, he is ready to pay Rs. 5,000/- per month to her beginning January, 2023 and from February, 2023, he will be paying Rs. 5,000/-every month which will be deposited through Demand Draft issued by the local State Bank of India branch in the Divorce Suit before the Family Court to be handed over to the informant after checking the credential.

Taking into account the aforesaid fact that the petitioner do not have criminal antecedent, he has already filed Divorce Suit and the matter will ultimately be decided by the Family Court and further ultimately he will be facing the trial as the FIR has been lodged, this Court is inclined to grant him the privilege of anticipatory bail subject to payment of Rs. 5,000/- per month beginning from January, 2023 which will merge with the any order passed by the Family Court in Maintenance Case.

Failure to pay the amount (Rs.5000/-), the informant shall be free to take recourse to legal remedy for cancellation of bail.



Let the petitioner be released on bail, in the event of his arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Patna, in connection with Mahila P.S. Case No. 03 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

**(Rajiv Roy, J)**

Ravi/-

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