

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9860 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- MAHILA P.S. District- Nalanda

NITISH KUMAR S/O- AWADHESH PASWAN R/O- VILLAGE-
MEDNAGAR, P.S.- DEEPNAGAR, DIST.- NALANDA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR, PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Pankaj Kumar, Advocate
For the Opposite Party/s :	Mr.Dinesh Singh, APP
For the informant :	Mr. Giridhar Gopal Tiwary, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 08-05-2024 Heard learned counsel for the petitioner, the State
and the informant.

2. The petitioner is apprehending arrest in connection with Mahila P.S. Case No. 18/2023 instituted under Sections 498(A), 341, 323, 325, 307, 504, 506, 34 of the Indian Penal Code lodged on 14.3.2023 by the informant, Anjani Kumari.

3. As per the prosecution story, the informant alleged that marriage was solemnized on 9.5.2022 but she was regularly tortured for dowry. The petitioner who was serving with the Indian Railways, Gujarat where also she was assaulted and tried to kill her. Later, the parents took her back. Left with no alternative, the FIR.

4. The coordinate bench on 20.2.2024 had sent the



matter to the Mediation Center but as per the report dated 10.4.2024, the mediation failed.

4. Learned counsel for the petitioner submits though the mediation has failed, in view of the fact that she is still his legally wedded wife, he is ready to pay one third of his salary or Rs. 15000/- whichever is higher. The same shall be paid in the bank account of the informant namely Anjani Kumari having saving Account no. **42274011927, the State Bank of India (Harnaut Branch, Ranchi Road)** by 10th of every month beginning June, 2024. So far as, the payment for May, 2024 is concerned, he shall be clearing the amount by 25th of May, 2024.

5. Learned counsel appearing on behalf of the informant though opposes the prayer for anticipatory bail, is ready to provide bank account number so that the amount comes to her account every month so that her miserable life may come to an end.

6. In the aforesaid background and considering the submissions put forward by the learned counsel for the petitioner as also the informant, this Court is inclined to grant him the privilege of anticipatory bail subject to undertaking he had given regarding payment of one third of his salary or Rs. 15,000/- whichever is higher by 10th of every month beginning



June, 2024. If however, the petitioner fails to pay the amount, the informant/State are free to take steps for the cancellation of his bail.

7. Let the petitioner be released on bail, in the event of his arrest or surrender before the subordinate court 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 the like amount each in connection with Mahila P.S. Case No. 18/2023 to the satisfaction of learned S.D.J.M., Nalanda at Biharsharif subject to the conditions as laid down under Section 438(2) of the Cr.P.C. as also the other conditions.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall co-operate in the investigation and make himself available to the police as and when required;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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