

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58748 of 2023

Arising Out of PS. Case No.-6002 Year-2022 Thana- PATNA COMPLAINT CASE District-
Patna

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Nikhil Badhwar, S/o Late Sh. Anil Kumar Badhwar, Male, aged about 44 years, R/o-A-217, New Friends Colony, New Delhi.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puja Kumari, aged about 34 years, W/o Sh. Nikhil Badhwar, D/o Late Sh. Aditya Kumar, R/o House No. 1/45, Vivekanand Marg, North S.K. Puri, Behind Axis Bank, Boring Road, Phulwari, Patna, Bihar-800001

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Amit Kumar Singh and Zeeshan Khan, Advocates
For the O.P. No. 2	:	None.
For the State	:	Mr. Tarkeshwar Nath Thakur, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

5 18-03-2024 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. However, learned counsel for the opposite party no. 2 is not present.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 6002 (C) of 2022 dated 24.05.2022 registered for the offences punishable under Sections 498A, 467, 468 and 120B of the I.P.C. in which cognizance has been taken under Section 498A of the I.P.C.

3. As per the prosecution case, the complainant was married to the petitioner on 18.01.2021 at Arya Samaj Mandir.



It is further alleged that after a week of marriage, the complainant was physically assaulted through various means like punching on face, pushing from bed, pulling hair etc., and started insisting on mutual consent divorce. It is further alleged that due to such dictatorial and abusive behaviour, the complainant came back to Patna but again on being asked by her husband went back to Delhi but again she was engaged in physical violence for which she made complaint at the local police station in Delhi.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. The petitioner neither assaulted nor tortured the complainant. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. It is further submitted that earlier the petitioner had filed Divorce Case bearing H.M.A. No. 70 of 2022 against the opposite party no. 2 before the Jurisdictional Family Court of Delhi on 20.01.2022 and in retaliation to that the complainant has filed the present complaint case against the petitioner and others. It is submitted that there is no injury report on the record to substantiate the allegation made by the complainant against the petitioner. It is submitted that the marriage between the



parties had been solemnized in 'Arya Samaj Mandir' in presence of close family members only and the entire marriage expenses were borne by the petitioner by giving diamond ring, necklace, Mangalsutra ring and clothes which have been taken by the complainant at the time of leaving matrimonial home in Delhi. The petitioner also paid travelling expenses of the complainant and her family members to Delhi through Flight Tickets. The complainant hardly stayed for about two months with the petitioner during the entire married life and there has arisen no situation or circumstances of any fight, whether verbal and or physical between the parties. It is further submitted that the complainant had come to Patna for attending the marriage ceremony of her sister but she asked the petitioner not to accompany her and told him to come on the day of marriage but again never disclosed the date of marriage to the petitioner. The complainant went alongwith the sister and her newly married husband to Kashmir on their honeymoon and the petitioner came to find out about the same from the photo update on social media site, facebook of the complainant. There is no allegation of demand of dowry against the petitioner. Learned counsel for the petitioner has relied upon the judgments of this Court in the case of "*Md. Naimul Haque Ansari @ Naimul Haque Ansari*



& Ors. Vs. The State of Bihar, reported in **2006(3) PLJR 182**” and in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr.** passed in **Criminal Appeal No (s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023**. Learned counsel for the petitioner has further submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Patna in connection with Complaint Case No. 6002 (C) of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. If so advised, either of the parties will be at liberty to make an application before the court below for referring the



matter to the District Mediation Centre for the purpose of
reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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