

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.71962 of 2024**

Arising Out of PS. Case No.-43 Year-2023 Thana- MAHILA P.S. District- Purnia

Nitish Kumar Yadav @ Navnit Kumar Son of Subodh Yadav Resident of  
Kanp Baliya, Ward No. 10, P.S.- Rupauli (Mohanpur), Distt.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the State : Md. Iftekhar Mahmood, APP

**CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR**  
**ORAL ORDER**

2      23-10-2024                      Heard Ld. counsel for the petitioner and Ld. APP for  
the State.

2. The petitioner seeks bail, apprehending his arrest,  
in connection with Mahila P.S. Case No. 43 of 2023 dated  
13.10.2023, registered for the offences punishable under  
Sections 341, 323, 449A, 504 and 506 read with Section 34 of  
the Indian Penal Code.

3. As per the allegation, there is love marriage  
between the petitioner and the informant and everything was  
okay for some days and thereafter, she was kept by husband-  
accused petitioner at the house of his maternal uncle and despite  
her demand, she was not taken to his matrimonial home. There  
is also allegation of abusing and beating.

4. Ld. counsel for the petitioner submits that the



Petitioner is innocent and has falsely been implicated in this case. He further submits that no marriage has been solemnized between the petitioner and the informant and the claim of the informant regarding marriage is false.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedent.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named, to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. S.D.J.M., Purnea in connection with Mahila P.S. Case No. 43 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court



below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

9. In view of the alleged facts and circumstances, it appears that it is a case of matrimonial dispute and it would be better for the informant to move Family Court for declaration of her marriage with the petitioner after filing Matrimonial Case under Section 9 of the Hindu Marriage Act.

**(Jitendra Kumar, J.)**

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