

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75107 of 2024

Arising Out of PS. Case No.-90 Year-2023 Thana- NALANDA COMPLAINT CASE
District- Nalanda

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Nitish Kumar S/o Arvind Kumar Resident of Village- Meyar, P.S.- Noor Sarai, District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Moni Kangana W/o Nistish Kumar R/o vill - Mayar, P.S. - Noor Sarai, Distt. - Nalanda, At present D/o Ashok Prasad, r/o vill - Eksara, P.S.- ven, Distt. - Nalanda

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Anil Kumar No. I, Advocate
For the Opposite Party/s	:	Mr.Shailendra Kumar, APP
For the Informant	:	Mr. Rabindra Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 20-12-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of anticipatory bail apprehending his arrest in connection with Complaint Case no. 90C of 2023 registered under section 498A of the Indian Penal Code.

3. As per the prosecution case, the complainant states that she was married to the petitioner herein on 15.6.2019. At the marriage, her parents had given various gifts beyond their capacity. Soon thereafter the accused persons including the petitioner herein started making a demand of Rs. 10 lakhs in cash and on non-fulfilling of the same started to abuse and



assault the complainant. She was deprived of food and was physically and mentally tortured. She gave birth to a girl child on 8.7.2020. It is further stated that in February, 2021 on the demand of the accused persons not being satisfied, she was forced to leave her house. She subsequently learnt that the accused was planning to marry for a second time and on reaching the temple concerned, the second marriage could not be solemnized.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case on account of being the husband of the complainant. It was because of irreconcilable differences between the parties which led to the petitioner filing a divorce case on 4.3.2022 which was registered as Divorce Case no. 57 of 2022 in the Court of the learned Principle Judge, Family Court, Nalanda and much subsequent thereto on 28.1.2023 that the instant complaint was filed. The petitioner has no criminal antecedent.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the complaint, the submissions made on behalf of the petitioner, the instant complaint having been lodged on 28.1.2023 i.e.



subsequent to the filing of the divorce case on 4.3.2022 by the petitioner and the petitioner not having any criminal antecedent, the bail granted to the petitioner vide order dated 30.10.2024 passed in the instant Cr. Misc. no. 75107 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each in connection with Complaint Case no. 90C of 2023 to the satisfaction of the learned Chief Judicial Magistrate, Bihar Sharif, Nalanda, is hereby confirmed.

(Partha Sarthy, J)

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