

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.79905 of 2023**

Arising Out of PS. Case No.-1611 Year-2022 Thana- VAISALI COMPLAINT CASE District-  
Vaishali

=====

NITESH KUMAR S/O RAMNATH SAH RESIDENT OF VILLAGE-  
YOUSUFPUR, P.S-LALGANJ, DISTRICT-VAISHALI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. NANDANI KUMARI W/O NITESH KUMAR RESIDENT OF VILLAGE-  
YOUSUFPUR, PS-LALGANJ, DISTT-VAISHALI PRESENTLY  
RESIDEING AT D/O RAMBABU SAH, VILLAGE-RAMRUDRAPUR, PS  
AND DISTT- VAISHALI

... .. Opposite Party/s

=====

**Appearance :**

|                          |   |                              |
|--------------------------|---|------------------------------|
| For the Petitioner/s     | : | Ms. Gazala Perween, Advocate |
| For the Opposite Party/s | : | Mr. Parmanand Prasad, APP    |
| For the Informant        | : | Mr. Subodh Kumar, Advocate   |

=====

**CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA**  
**ORAL ORDER**

3      07-03-2024                      **1.** Heard learned counsel appearing on behalf  
  
of the petitioner and learned Additional Public Prosecutor  
  
appearing on behalf of the State.

**2.** The accused/petitioner is named in the  
  
complaint petition and apprehending his arrest in  
  
connection with Complaint Case No. 1611 of 2022 in  
  
which cognizance has been taken for the offences  
  
punishable under Sections 498 A, 323, 354 B and  
  
379/34 of the Indian Penal Code and Section 3/4 of the



Dowry Prohibition Act.

**3.** The allegation against the petitioner is to commit mental and physical cruelty against O.P. No. 2/wife.

**4.** Learned counsel appearing on behalf of the petitioner submitted that petitioner has been falsely implicated with the present case out of normal matrimonial discord arising out of daily and domestic affairs. It is submitted that both parties decided to live separately and for that compromise was made between them, which is annexed as annexure no. 2 of the petition. It is submitted that O.P. No. 2/wife is presently living with her parents and as a good gesture, petitioner is ready to pay Rs. 1,500/- as an ad-interim maintenance amount to O.P. No. 2/wife without fail before 7<sup>th</sup> day of every english calendar month, till disposal of the present case before Learned Trial Court.

**5.** Learned APP duly assisted by learned counsel appearing on behalf of O.P. No. 2/wife, while



opposing the prayer for bail submitted that petitioner solemnized second marriage without getting first marriage dissolved with O.P. No. 2/wife in her lifetime, in accordance with law.

**6.** In view of the facts and circumstances as mentioned above and by taking note of the fact as petitioner is ready to pay ad-interim maintenance amount of Rs. 1,500/- to O.P. No. 2/wife, till disposal of the case, accordingly the petitioner above named, in the event of his arrest or surrender before the learned Trial Court within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-III cum Additional Chief Judicial Magistrate-II, Vaishali at Hajipur/concerned Court where the case is pending in connection with Complaint Case No. 1611 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. with further conditions :-



*(i) Petitioner shall pay Rs. 1,500/- as an ad-interim maintenance amount to O.P. No. 2/wife on or before 7<sup>th</sup> day of English calendar month. Payment for the month of March be made in cash at the time of furnishing bail bond, whereas maintenance amount from the month of April onward be paid through bank account of O.P. No. 2/wife, if not available same be opened by petitioner, on his expenditure, if any.*

*(ii) If petitioner fails to pay ad-interim maintenance for two consecutive months the bail bond of petitioner shall be cancelled by the learned Trial*



*Court, itself, if pressed by O.P.  
No.2.*

*(iii) Both conditions as  
above shall remain in force till  
finding of learned Family Court on  
maintenance issue. Amount paid  
shall be adjusted accordingly.*

**(Chandra Shekhar Jha, J.)**

S.Tripathi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

