

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3119 of 2025

Arising Out of PS. Case No.-2365 Year-2020 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Sitesh Kumar S/O Govind Singh R/O Gram Chakramdas, P.S- Vaishali, Distt.-
Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Aarju Kumari W/O Sitesh Kumar, D/O Nityanand Singh R/O Bibipur, P.S-
Vaishali, Distt.- Vaishali.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Nivedita Nirvikar, Sr. Advocate

Mr. Arya Achint, Advocate

Mr. Shashi Priya, Advocate

Mr. Shashank Shekhar, Advocate

For the State : Mr. Nawal Kishore Prasad, APP

For the Complainant : Mr. Rajesh Kumar Sharma, Advocate

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 22-04-2025 Heard learned counsel for the petitioner and learned APP
for the State as also learned counsel for the complainant.

2. The petitioner seeks bail in connection with
Complaint Case No. 2365 of 2020 instituted for the offence
under Section 498(A) of the Indian Penal Code.

3. Prosecution case in short is that petitioner, who
happens to be husband of the complainant, allegedly assaulted
the complainant due to non-fulfillment of demand of dowry.

4. It has been submitted on behalf of the petitioner
that the petitioner is in custody since 18-11-2024. Petitioner



bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. The present case is a misuse of the privilege of anticipatory bail granted to the petitioner by the court below vide order dated 30.09.2022, which was subject to the condition that he would keep his wife with him and remain present along with her on every date of hearing. However, due to non-fulfillment of this condition and his repeated absence, the bail bonds of the petitioner were cancelled. Consequently, processes under Sections 82 and 83 Cr.P.C. were issued, leading to his eventual surrender on 18.11.2024. The learned counsel now submits that the petitioner is willing to strictly abide by all terms and conditions imposed by this Hon'ble Court and is ready to furnish adequate securities, and undertakes not to tamper with the prosecution evidence in any manner.

6. Learned A.P.P. for the State and learned counsel for the complainant have vehemently opposed the prayer for grant of bail to the petitioner.

7. Considering the aforesaid facts and circumstances of the case and period of custody of the petitioner, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on



furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Complaint Case No. 2365 of 2020, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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