

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18620 of 2025

Arising Out of PS. Case No.-1866 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Nitish Kumar S/o Chandradev Yadav R/o vill - Chaknayatt, ward no. 6, P.S.-
Bhagwanpur, Distt.- Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Suniti Kumari W/o Nitish Kumar, D/o Shree Ramsewak Roy R/o vill - Suro,
P.S.- Bachhawara, Distt.- Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar Yadav, Advocate
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP
	:	Mr. Nagendra Upadhyay, Advocate
	:	Mr. Maya Shankar Mishra, Advocate
	:	Mr. Gopal Krishna Nishant, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

6 13-11-2025 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the O.P. No.2.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Section 498(A) of the I.P.C. and Section 4 of the D.P. Act.

3. Learned counsel for the O.P. No.2 submits that the case was taken up on 30.10.2025 when a detailed order was recorded and the O.P. No.2 was directed to file supplementary affidavit that as to whether she intends to seek divorce from the petitioner by way of mutual consent or not.

4. Learned counsel for the O.P. No.2 next submits that



relationship in between the petitioner and the O.P. No.2 has deteriorated to an extent where it is not possible to revive the conjugal relationship. It is next submitted that a counter affidavit on behalf of the O.P. No.2 has been filed wherein it has been specifically pleaded at para-3 that O.P. No.2 is willing to seek divorce by way of mutual consent.

5. Learned counsel for the petitioner also submits that he has instructions to make submission that even petitioner is ready for divorce by way of mutual consent.

6. At this stage, the learned counsel appearing on behalf of the O.P. No.2 submits that O.P. No.2 will not demand any alimony from the petitioner for seeking divorce by mutual consent. The learned counsel appearing on behalf of the O.P. No.2 next submits that if the petitioner subsequently resile then what will happen on which the learned counsel appearing on behalf of the petitioner asserts and submits that petitioner will not resile rather will willingly sign the divorce application which would be filed by way of mutual consent.

7. At this stage, learned counsel for the O.P. no.2 submits that he also has instructions to make submission that after application seeking divorce by mutual consent is filed, the O.P. No.2 shall withdraw the instant criminal case.



8. The learned counsel for the parties jointly at this stage submits that application seeking divorce by way mutual consent shall be filed on or before 05.12.2025.

9. Since, parties are not ready to reconstitute their conjugal life and are willing for separation as such, the petitioner above-named, in the event of his arrest or surrender before the learned trial court within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 5,000/- (Rupees Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Begusarai Complaint Case No. 1866C of 2023, subject to the conditions as laid down under Section 482 (2) of the BNSS.

(Satyavrat Verma, J)

AjayMishra/-

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