

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29256 of 2025

Arising Out of PS. Case No.-784 Year-2024 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Nitish Kumar S/o Rajendra Rai Resident of Village- Raichiahi, Kachari Tol,
Ward No 2, PS- Singhaul, District- Begusarai

... .. Petitioner

Versus

1. The State of Bihar
2. Soni Mahato W/o Nitish Kumar R/o vill - Raichiahi Kachari Tol, ward no. 2,
P.S.- Singhaul, Distt.- Begusarai At present Address- Soni Mahto, D/o
Motilal Mahto, R/o vill - Banhara, ward no. 2, P.O. - Amba, P.S.- Teghra,
Distt.- Begusarai

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Shashank Shekhar, Advocate Mr. Utsav Kumar, Advocate
For the State	:	Ms. Sucheta Yadav, APP

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 12-05-2025 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Complaint Case No.784C of 2024, registered

for the offences punishable under Sections 498A, 494 of the

Indian Penal Code.

3. As per allegation, the complainant/wife was being

given inhuman treatment and thereafter she went to her *maike*

and started preparing for competitive examination and thereafter

the petition under Section 9 of the Hindu Marriage Act was filed

by the accused/petitioner against the complainant/wife.



However, she came to know that he has already entered into second marriage with one Madhu Kumari.

4. Learned counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, marriage is not working and she left her matrimonial home on her own and she filed one matrimonial petition for restitution of conjugal rights under the Hindu Marriage Act, which is pending for consideration.

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 antecedents.

7. However, learned counsel for the informant and learned APP for the State vehemently oppose the prayer of the Petitioner for bail submitting that the behaviour of the petitioner is inhuman and he has entered into second marriage.

8. Considering the rival submissions of the parties, it transpires that the parties have matrimonial dispute and they are already before the family Court to settle their dispute.

9. 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 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court Below, in connection with Complaint Case No.784C of 2024 , subject to the conditions as laid down under Section 482 (2) of the B.N.S.S., 2023 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, learned 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, learned court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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