

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44512 of 2025

Arising Out of PS. Case No.-207 Year-2021 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Ritesh Kumar @ Ritesh Thakur @ Ritesh Sharma S/O Arjun Thakur R/O
Village - Bande, PS - Rajgir, Distt. - Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
 2. Priti Kumari, W/O Ritesh Kumar @ Ritesh Thakur @ Ritesh Sharma R/O
Village - Handiya, PS - Nardiganj, Distt. - Nawada, Bihar
- Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vivek Kumar Sinha, Advocate
For the Opposite Party/s : Ms. Asha Devi, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 10-10-2025 Heard learned counsel for the petitioner, learned A.P.P.

for the State and learned counsel appearing on behalf of the

opposite party no. 2.

2. The petitioner seeks bail in a case registered for the

offence punishable under Section 498A of the Indian Penal Code.

3. Learned counsel for the petitioner submits that
petitioner, being the husband, has been falsely implicated in the
instant case by the opposite party no. 2. It is alleged that the
opposite party no. 2 was married with the petitioner on 24.05.2015
and, out of the wedlock, two daughters were born in the year 2017
and 2019. It is further alleged that after the birth of her second
daughter, the petitioner started torturing her mentally and
physically and even assaulted her. It is next alleged that the



opposite party no. 2 again became pregnant but, on account of assault, the pregnancy got aborted and the accused persons even tried to kill her by administering poison in her meal. It is also alleged that on 29.11.2020, a Panchayati was held in which the petitioner assured that the accused persons will not torture her but on 30.12.2020 again the accused persons including the petitioner started demanding Rs.50,000/- and when her father was unable to fulfill the demand, the opposite party no. 2 was driven out of her matrimonial home.

4. Learned counsel for the petitioner submits that since two daughters were born, as such, after seeking consent of the opposite party no. 2, petitioner performed his second marriage. It is further submitted that petitioner had earlier approached this Court seeking anticipatory bail by filing Cr. Misc. No. 45442 of 2023 but then the same was permitted to be withdrawn by an order dated 29.02.2024 (Anexure-P/1 to the bail application). It is next submitted that petitioner thereafter was taken into custody on 24.05.2025.

5. Learned counsel appearing on behalf of the opposite party no. 2 vehemently opposes the prayer for regular bail of the petitioner and submits that no consent was given by the opposite party no. 2 to the petitioner for performing his second marriage. It is further submitted that the second marriage is void *ab initio* and



since the petitioner performed his second marriage that in itself amounts to cruelty. It is next submitted that the opposite party no. 2 was ousted from her matrimonial home in the year, 2020 along with her younger daughter and since then petitioner never allowed either the opposite party no. 2 or his daughter to meet the elder daughter.

6. Learned counsel appearing on behalf of the petitioner at this stage submits that though petitioner performed his second marriage after obtaining consent of the opposite party no. 2 which now is being denied but then it is fairly submitted that the submissions made by the learned counsel appearing on behalf of the opposite party no. 2 that the second marriage is void *ab initio* cannot be countenanced. It is further submitted that after the petitioner was taken into custody, he realized that he has a responsibility towards the opposite party no. 2 and his daughter also. It is also submitted that petitioner was running a Salon (Barber Shop) but, after he was taken into custody, his business has been ruined but then submits that petitioner is willing to pay a monthly maintenance of Rs.4,000/- to the opposite party no. 2 and after release will pay an amount of Rs.50,000/-. It is further submitted that since business has been ruined, as such, it may take some time in making the payment of Rs.4,000/- to the opposite party no. 2. It is asserted and submitted that petitioner will allow



the opposite party no. 2 and his younger daughter to meet the elder daughter on Saturdays and Sundays of every month commencing from 20.10.2025.

7. Learned counsel appearing on behalf of the opposite party no. 2, at this stage, submits that the opposite party no. 2 though was not called by the Court but is present in the Court and, thus, sought instruction and based on the instruction submits that no useful purpose would be served by keeping the petitioner behind the bar, if the petitioner is willing to pay Rs.50,000/- after his release and thereafter Rs.4,000/- by way of maintenance and also the fact that petitioner has agreed to allow the opposite party no. 2 and his younger daughter to meet the elder one.

8. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

9. After hearing the learned counsel for the parties, the petitioner, above named, is directed to be released on provisional regular bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending in connection with Complaint Case No. 207 of 2021.

10. However, it is made clear that the learned trial court shall confirm the provisional regular bail only if the petitioner within 30 days of his release pays an amount of Rs.50,000/- to the



opposite party no. 2. If the petitioner does not pay the amount of Rs.50,000/- within 30 days of his release on provisional regular bail in that event the learned trial court shall be at liberty to cancel the provisional bail bonds of the petitioner.

11. At this stage, learned counsel appearing on behalf of the petitioner submits that as far as monthly maintenance as agreed by the petitioner is concerned, the same shall commence from 01.12.2025.

12. It is further made clear that if the petitioner does not pay the amount of maintenance of Rs.4,000/- as agreed for two consecutive months in that event the opposite party no. 2 shall be at liberty to file an application before this Court seeking cancellation of bail granted to the petitioner.

13. It is further made clear that if a Court of competent jurisdiction fixes the maintenance, in that event the present maintenance shall stop.

(Satyavrat Verma, J)

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