

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57858 of 2025

Arising Out of PS. Case No.-98 Year-2025 Thana- DURAULI District- Siwan

Mukti Nath Tiwari S/o Haresh Tiwari @ Haresh Kumar Tiwari R/o Village -
Karom, P.S- Darauli, District - Siwan

... .. Petitioner/s

Versus

1. The State of Bihar
2. Nitu Devi D/o Vishwarup Tiwari R/o Village - Don Bujurg, P.S- Darauli,
District - Siwan

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Pandey, Adv Mrs. Shyama Rani, Adv
For the Informant	:	Mr. Argesh Kumar, Adv
For the Opposite Party/s	:	Mr. Nand Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 04-11-2025 Heard learned counsel for the petitioner and learned

counsel for the informant as well as learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in
connection with Darauli P.S. Case No. 98 of 2025 registered for
the offence/s punishable u/s 82(1) and 85 of the B.N.S.

3. As per the prosecution case, the informant
solemnized marriage with the petitioner on 12.12.2012 and two
male children have born out of their wedlock. It is further
alleged that Nitu Devi (informant) lived happily at her
matrimonial home and after some time, all the accused persons



including the petitioner started torturing her mentally and physically and ousted her from the matrimonial home.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is the husband of the informant and he neither demanded any dowry nor tortured the informant. There is general and omnibus allegation against the petitioner. Learned counsel for the petitioner has relied upon the judgment of this Court in the case of **"Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182."** Learned counsel has further submitted that Section 498A of the IPC is triable by the Magistrate. Learned counsel has further relied on the judgments in the case of **Satendra Kumar Antil Vs. Central Bureau of Investigation and Another (2022) 10 SCR 351** and **Md. Asfak Alam Vs. The State of Jharkhand & Anr passed in Criminal Appeal No(s). 2207 of 2023 arising out of Special Leave Petition (CRL.) No. 3433 of 2023.** The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.



6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Siwan, in connection with Darauli P.S. Case No. 98 of 2025, subject to the conditions as laid down under Section 482(2) of the Bharitya Nagrik Suraksha Sanhita (B.N.S.S.), with further condition/s:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. If so advised, either of the parties will be at liberty to make an application before the Court below for referring the matter to the District Mediation Centre for the purpose of reconciliation or one time settlement.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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