

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61944 of 2025

Arising Out of PS. Case No.-724 Year-2024 Thana- PATNA COMPLAINT CASE District-
Patna

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Nilesh Kumar S/O Sanesh Pandit Resident of Village- Bhagwat Chak, P.O.-
Naraun, P.S.- Shambhuganj, Dist.- Banka

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Sindhu Kumari W/O Nilesh Kumar, D/O Rajendra Prasad Pandit R/O Vill.-
Naya Gaon, Gulzarbagh, Patna City, P.S.- Alamganj, Dist.- Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Munna Kumar, Advocate
For the State : Ms. Madhuri Lata, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 09-09-2025 Heard Mr. Munna Kumar, learned counsel for the

petitioner as well as Ms. Madhuri Lata, learned Additional Public

Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 724 of 2024 dated
08.07.2024 for the offences punishable under Sections 420, 406,
120B, 384, 385, 498A, 309, 107, 504, 506, 511 of the IPC and
Section 4 of the D.P. Act but cognizance has been taken only under
Sections 323, 504, 498A of the IPC.

3. According to prosecution case, the petitioner along
with other co-accused persons is said to have abused and assaulted
the complainant due to non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that



petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation as alleged in the complaint petition is false and fabricated and the petitioner has not committed any offence as alleged in the complaint petition. In fact, the complainant is not ready to live with the petitioner and she want divorce with the petitioner. He further submits that the petitioner has filed a case for restitution of conjugal rights vide Matrimonial (Restitution) Case No. 162 of 2024 in the Court of Principal Judge, Family Court, Banka on 01.07.2024. When the complainant came to know about the aforesaid development, she has filed the present complaint case on 08.07.2024 only to harass the petitioner.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, the petitioner has clean antecedent and complaint has been filed for restitution of conjugal rights by the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Patna City in connection with Complaint Case No. 724 of 2024, subject to the



conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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