

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67314 of 2024

Arising Out of PS. Case No.-964 Year-2023 Thana- BEGUSARAI COMPLAINT CASE
District- Begusarai

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Nand Kishore Sah S/o Mahendra Sah R/o vill - Chakdullam, P.O. -
Banwaripur, P.S. - Bhagwanpur, Distt. - Begusarai

... .. Petitioner/s

Versus

1. The State of Bihar
2. Doli Devi W/o Nand Kishore Sah, D/o Ajay Sah R/o vill - Chakdullam, P.O.
- Banwaripur, P.S. - Bhagwanpur, Distt. - Begusarai

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

4 10-04-2025 Heard learned Counsel for the petitioner, learned

Additional Public Prosecutor for the State and learned counsel

for the complainant.

2. The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 323, 341,
504, 388, 498A and 34 of the Indian Penal Code.

3. The matter had been sent to the mediation center
for amicable settlement and the mediation report would go to
show that the mediation had failed. The present case is one
under Section 498A and the petitioner is the husband. Although
the complaint was lodged under Sections 323, 341, 504 and 388
along with Section 498A/34 of the Indian Penal Code, but



cognizance was only taken under Section 498A read with Section 34 of the Indian Penal Code. The allegation made by the complainant is that the petitioner had a love affair with co-accused Renu Devi and on account of that he used to assault the complainant and finally ousted the victim along with her children from the house.

4. Learned counsel for the petitioner submits that the present complaint has come to be filed after 13 years of the marriage and the allegations levelled by the complainant-wife has no element of truth in it. Learned counsel for the petitioner has further drawn the attention of the Court to the specific statement made in paragraph no.10 in which he has stated that he is still ready to keep her and her children along with him, but it is the complainant-wife who does not wish to stay with the petitioner's family and hence the entire dispute has cropped up.

5. The prayer for bail has been opposed by learned APP for the State as also the learned counsel for the complainant and it has also been pointed out that the complainant also has two minor children to be looked after.

6. At this stage, the petitioner is ready to pay Rs.4,000/- (Rupees Four Thousand) per month to opposite party no.2 in the second week of every month. It goes without saying



that the aforesaid payment shall be subject to any order passed in matrimonial maintenance case or any other collateral proceeding.

7. Considering the above facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, 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 learned A.C.J.M., Teghra District in connection with Complaint Case No. 964c of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure/Section 482 (2) of the B.N.S.S., 2023 and subject to the further condition that the petitioner shall cooperate in the investigation/trial.

8. If the opposite party no.2 furnishes the bank account in which the amount can be transferred and yet the petitioner fails to give the aforesaid amount on two consecutive dates, the opposite party no.2 would be at liberty to file cancellation of bail.

(Soni Shrivastava, J)

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