

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78063 of 2025

Arising Out of PS. Case No.-1777 Year-2024 Thana- VAISALI COMPLAINT CASE
District- Vaishali

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Nitesh Kumar, Male, aged about 27 years, S/O Jalandhar Ram, R/O Village-
Jaganpura, P.O.- Majhauri, P.S.- Majhauri, Distt.- Vaishali

... .. Petitioner

Versus

1. The State of Bihar
2. Anjali Devi, W/O Nitesh Kumar, D/O Lagan Ram, R/at Present Vill.-
Karnej, Adarsh Tola, P.S.- Belser O.P., Dist.- Vaishali.

... .. Opposite Parties

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Appearance :

For the Petitioner	:	Mr. Prakash Chandra Jha, Advocate
For the State	:	Mrs. Sharda Kumari, A.P.P.

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

ORAL ORDER

2 17-11-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Complaint Case No. 1777/2024 dated
19.07.2024 registered for the offence punishable under Section
498A of the I.P.C.

3. As per the prosecution case, the petitioner and other
co-accused persons are alleged to have tortured the complainant
due to non-fulfilment of demand of Rs. 5,00,000/- as dowry for
doing business.

4. Learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in



this case. The petitioner neither demanded any dowry nor tortured the complainant. It is further submitted that the petitioner resides in Haryana to earn livelihood for his family members and he is unable to keep his wife there due to non-availability of accommodation and poor income. However, the petitioner is ready to keep the complainant as wife with full dignity, honour and love affection and he has also filed a case under Section 9 of the Hindu Marriage Act before the learned Family Court, Vaishali at Hajipur as stated in paragraph no. 7 of the bail petition. There is no question of torturing the complainant because he was not present at the place of occurrence. It is further submitted that the petitioner is the husband of the complainant and he has no concern with the alleged offence. Learned counsel for the petitioner has relied upon the judgments 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***” and 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***. Learned counsel for the petitioner has further



submitted that Section 498A of the Indian Penal Code is triable by the Magistrate. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail 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 anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-15th, Vaishali at Hajipur in connection with Complaint Case No. 1777/2024, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(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 bonds of the petitioner are 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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