

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5834 of 2026

Arising Out of PS. Case No.-105 Year-2024 Thana- COMPLAINT CASE - PUPRI District-
Sitamarhi

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Nitesh Kumar @ Nitesh Sah Son of Bindeshwar Sah @ Vindeshwar Sah
Resident of Village- Mehsaul, P.S.- Runnisaidpur, District- Sitamarhi

... .. Petitioner/s

Versus

1. The State of Bihar
2. Anjani Kumari Wife of Nitesh Sah and D/o Mahesh Raut Presently a
resident of village- Choraut, P.S.- Choraut, District- Sitamarhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the State	:	Mr. Akshay Lal Pandit, APP
For the O.P. No. 2	:	Mr. Uday Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 21-04-2026 Earlier, the matter was referred to Mediation

Centre, but the dispute between the parties could not be settled

through the process of mediation and as such, mediation failed

(report at flag 'A').

2. Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the O.P. No. 2

3. The petitioner apprehends his arrest in a case

registered under Sections 323, 498A of the Indian Penal Code

and Sections 3 and 4 of the Dowry Prohibition Act.

4. The prosecution case, in brief, is that the

marriage of the complainant with the petitioner was solemnized

in the year 2013 as per Hindu rites and customs, and from the



wedlock, they were blessed with three children. After sometime of marriage, the petitioner and his family members started demanding dowry and due to non-fulfillment of the same, the complainant was subjected to torture by her in-laws. On 09.11.2019, petitioner assaulted the complainant by *katta* with intention to kill her for which, Runnisaipur P.S. Case No. 685 of 2018 was registered, which was later on compromised between the parties. Thereafter, fresh demand of Rs. 2 lakh was made in December, 2023. It is alleged that on 18.03.2024, petitioner solemnized his second marriage with one Sushmita Kumari and on 17.04.2024, the accused persons forcibly ousted the complainant and her children from matrimonial home.

5. Learned counsel appearing on behalf of the petitioner submits that the petitioner is the husband of the O.P. No. 2. Petitioner is ready to keep the O.P. No. 2 along with his children, and till the O.P. No. 2 is not residing with her children at her matrimonial home, petitioner offers and undertakes that he is ready to give Rs. 7,000/- per month as interim maintenance to O.P. No. 2.

6. Learned counsel appearing on behalf of the O.P. No. 2 submits that petitioner is not maintaining the complainant and the children residing with her. He further submits that the



complainant will provide her bank account to the petitioner.

7. In view of the facts and circumstances, submissions on behalf of the parties and undertaking of learned counsel for the petitioner that petitioner is ready to give interim maintenance amount of Rs. 7,000/- (seven thousand) per month to the opposite party no. 2, in the event of arrest or surrender before the learned court below within a period of eight weeks from today, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Pupri, Sitamarhi in connection with Sitamarhi Complaint Case No. 105 of 2024, subject to the conditions as laid down under Section 482(2) of the B.N.S.S., 2023 as well as on the following conditions:-

‘(i) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the O.P. No. 2.

(ii) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the Court concerned would be at liberty to cancel the bail-bond on the application of complainant.

(iii) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected



proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.’

(Sunil Dutta Mishra, J)

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