IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31765 of 2026

CNR No. BRHC010347012026

Arising Out of PS. Case No.-103 Year-2025 Thana- JEHANABAD COMPLAINT CASE District- Jehanabad

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Nitish Kumar @ Nitish Kewat Son of Nago Kewat Resident of Village- Raipur Koli Bigha, Post- Tharthari Bazar, P.S.- Tharthari, District- Nalanda, Bihar- 803120

... ... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi Wife of Nitish Kumar @ Nitish Kewat Resident of Tharthari Bazar, Tharthari, Raipur Koli Bigha, Nalanda, Bihar- 803120

... ... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Surya Prakash, Advocate
	:	Mr. Amit Kumar, Advocate
	:	Mr. Sarvjit Kumar, Advocate
	:	Mr. Satish Kumar, Advocate
	:	Mr. Amit Kumar, Advocate
For the State	:	Mrs. Gulnar Begum, APP
For the O.P. No.2	:	Mr. Amrendra Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

8 23-11-2026 Heard Mr. Surya Prakash, learned counsel for the petitioner and Mr. Amrendra Kumar Singh, learned counsel representing the informant beside Mrs. Gulnar Begum, learned APP representing the State.

2. The petitioner is apprehending his arrest in connection with Complaint Case No. 103 of 2025 registered for the offence under Sections 85 and 3(5) of the B.N.S., lodged by the complainant Poonam Devi.

3. Earlier, the matter was sent to the Mediation Centre

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but as per the report dated 08.10.2026, it failed.

4. Learned counsel for the petitioner submits that though the mediation has failed, he accepts his responsibility towards his wife and the two children and want to maintain them till a positive development takes place in the following manner:

> *(i) Rs.5,000/- for the wife and Rs.2,000/- each for the two children (totaling Rs.9,000/-) which shall be sent to her bank account by 10th of every month failing which she can take steps for cancellation of bail bond.*

5. Learned counsel for the informant submits that though the mediation failed, now that the petitioner is inclined to give financial assistance, reserving her right to fight this case out, if any positive order is passed, she do not have any objection.

6. Taking into account the submissions of the parties, though it is unfortunate that the mediation failed, in view of the fact that the petitioner is inclined to maintain the lady and the children as recorded above, this Court is inclined to extend him the privilege of anticipatory bail.

7. It is made clear that if the petitioner fails to make

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the payment aforesaid by 10th of every month, the wife shall have liberty to take steps for cancellation of bail bond.

8. Any order passed by the appropriate court in the maintenance case which may be filed by the wife, this order shall merge with the order passed by the concerned court.

9. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Jehanabad, in connection with Complaint Case No. 103 of 2025 subject to the following conditions:-

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document (Aadhar Card/Voter Id/Driving License/Pan Card) to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,

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failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

(Rajiv Roy, J)

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