

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38002 of 2026

Arising Out of PS. Case No.-824 Year-2023 Thana- NAWADAH COMPLAINT CASE
District- Nawada

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Nitesh Kumar Singh Son of Rambabu Singh Resident of Employer Door No. K- 68, Sundia Housing Estate, Near Goal Ghar Quarter, Near KRCC Ground, P.S.- Jagatdal, District - Uttar 24 Pargana, West Bengal

... .. Petitioner/s

Versus

1. The State of Bihar
2. Pallavi Kumari Wife of Nitesh Kumar Singh Resident of Employer Door No. K- 68, Sundia Housing Estate, Near Goal Ghar Quarter, Near KRCC Ground, P.S.- Jagatdal, District - Uttar 24 Pargana, West Bengal. At Present Residing at D/o- Vinay Kumar, Vill.- Ledha, P.S.- Nemdarganj, District - Nawada.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Balwant Kumar
For the Opposite Party/s : Mr.Yogendra Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 09-06-2026 Heard the parties.

2 The defect(s) as pointed out by the office be

ignored for the present.

3. The petitioner is named in the Complaint

Case and apprehending his arrest in connection with

Complaint Case No. 824 of 2023 registered for the

offences punishable under Sections 498A, 406, 313,

323, 325 of IPC and ¾ of DP Act.

4. The allegation against petitioner who is the



husband is to commit mental and physical cruelty upon complainant/ OP No. 2 due to non fulfillment of demand of dowry as raised for cash of Rs. 15 lakh and also for one four wheeler vehicle. The complainant also alleged that petitioner assaulted her physically due to which her six weeks pregnancy was terminated.

5. It is submitted by learned counsel appearing on behalf of the petitioner that complainant herself is a short tempered lady and out of family quarrels, she implicated entire family including the petitioner, who is the husband. It is submitted that the allegation of miscarriage and physical assault was not believed by the learned trial court, therefore cognizance was taken only for the offences punishable under Section 498A and Section 4 of D.P. Act. It is also pointed out that even said allegation be not accepted as correct for the reason that complaint petition is not supported by the affidavit which is contrary to the provisions available under Section 175 clause 3 of the BNSS. In support of his



submission learned counsel also relied upon the legal report of Hon'ble Supreme Court as available through ***Priyanka Srivastava Vs. State of Uttar Pradesh [2015 (6) SCC 287]***.

6. It is further argued by learned counsel that the allegation of mental and physical cruelty is very much general and omnibus in nature against the petitioner and learned trial court rejected the bail for the simple reason that the mediation between the parties could not arrived. It is pointed out that the failure of mediation cannot be the ground for rejection of bail. Petitioner claimed clean antecedent.

7. Learned APP opposes the prayer of bail.

8. In view of aforesaid factual and legal submission and by taking note of fact as the complaint, in issue, *prima-facie* not appears supported on affidavit coupled with the fact that the anticipatory bail prayer of the petitioner was rejected by learned trial court only for the reason that the mediation could not arrived between



the parties as both parties are adamant to their issues which certainly cannot be ground for the rejection of the prayer of bail, coupled with the fact that the allegation *qua* mental and physical cruelty is appearing very much general and omnibus, accordingly petitioner above-named, in the event of his arrest or surrender before the court below within a period of four weeks, is directed to be released on bail, furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned CJM, Nawada /concerned Court, where the case is pending in connection with Complaint Case No. 824 of 2023, subject to the conditions as laid down under Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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