

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79419 of 2025

Arising Out of PS. Case No.-9 Year-2024 Thana- MADHUBANI COMPLAINT CASE
District- Madhubani

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Nawal Kishore Singh @ Nawal Kumar Singh @ Nawal Singh S/O Late Hari
Bilas Singh R/O Village - Makrampur, P.S- Sakri, Distt.- Madhubani At
present resident- T.T.E Inspector, Railway D.R.M, Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Neelam Devi W/O Nawal Kishore Singh @ Nawal Kumar Singh @ Nawal
Singh R/O Village - Makrampur, P.S- Sakri, Distt.- Madhubani, D/O Late
Radheyshyam Singh, R/O Dayakharwar, P.S- Lakhnaur, Dist- Madhubani

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kusum Rani

For the Opposite Party/s : Mr. Surendra Kumar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 24-02-2026 Heard the parties.

2. The petitioner is named in the complaint and
apprehending his arrest in connection with Complaint Case No. 09
of 2024 registered for the offences punishable under Sections
498(A) and 494 of the Indian Penal Code.

3. As per complaint, petitioner who is husband alleged
to commit mental and physical cruelty upon complainant.

4. It is submitted by learned counsel appearing on
behalf of the petitioner that after 25 years of the marriage present
false case was lodged, where due to certain issues during Covid-19
petitioner who is working with Indian Railways as TTE could not
provide monthly expenditure to the complainant. It is submitted



that allegation *qua* mental and physical cruelty is appearing very much general and omnibus in nature and moreover complaint not appears to be lodged on affidavit and, therefore, same not appears legally convincing in view of **Priyanka Srivastava and Another Vs. State of Uttar Pradesh and Others, [(2015) 6 SCC 287]**. While concluding argument, it is submitted that petitioner is a man of clean antecedent.

5. Learned APP duly assisted by learned counsel for the informant while opposing the prayer of bail submitted that petitioner solemnized his second marriage, but fairly conceded that present complaint was lodged after 25 years of the marriage. It is submitted that despite of order of family court as to pay monthly maintenance of Rs. 25,000/- no maintenance amount was ever paid by the petitioner.

6. Taking note of aforesaid, learned counsel for the petitioner submitted that it is for the complainant to pray before learned family court for execution of aforesaid order, if any through department/Indian Rail, itself, if it is not paying by petitioner.

7. In view of aforesaid factual submission and by taking note of fact as allegation *qua* committing mental and physical cruelty appears very general and omnibus in nature, where



complaint in issue appears to be lodged after 25 years of the marriage, 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 SDJM, Madhubani/concerned Court, where the case is pending in connection with Complaint Case No. 09 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/ Section 482(2) of BNSS.

(Chandra Shekhar Jha, J)

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