

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.19384 of 2015

Arising Out of PS.Case No. -33 Year- 2013 Thana -BENIPATTI District- MADHUBANI

Jibachh Mukhiya son of Ram Nath Muhiya, Resident of Village - Dugauli,
Police Station - Benipatti, District - Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar.
2. Jai Kala Devi wife of Jibachh Mukhiya,
3. Uttim Mukhiya son of Prabodh Mukhiya, Both Resident of Village -
Dugauli, Police Station - Benipatti, District- Madhubani.

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ratanakar Jha
For the Opposite Party/s : Mr. G.S. Gupta (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 01-09-2015 Learned counsel for the petitioner is
permitted to make necessary correction in the petition.

Heard learned counsels for the petitioner
and the State.

The petitioner being the husband of the
informant is apprehending his arrest in a case registered for the
offences punishable under Sections 341, 323, 354, 379, 504,
498A of the Indian Penal Code and 3/4 of Dowry Prohibition
Act.

The basic accusation is of torture for non-
fulfillment of the dowry demand.



On submission of learned counsel for that the petitioner that the informant has performed marriage with one Uttim Mukhiya, the notices were issued to the informant and Uttim Mukhiya vide order dated 29.04.2015. It appears from the office note dated 31.08.2015 that since O.P. Nos. 2 and 3 could not met, hence, house service was effected. Though, undelivered registered covers have been returned with a report that the O.P. Nos. 2 and 3 have gone outside without giving their present address. In the circumstances, the notices issued to O.P. Nos. 2 and 3 are treated to be deemed service.

The specific case of the petitioner is that informant has solemnized second marriage with Uttim Mukhiya, O.P. No. 3, statement to that effect has been made in paragraph 10 of the petition, whereas the petitioner filed Matrimonial Suit No. 122 of 2013 on 14.05.2013 for dissolution of marriage.

Considering the fact that O.P. No. 2 has not come forward to deny the contention of the learned counsel for the petitioner, let the above named petitioner be released on anticipatory bail in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned

Sub-divisional Judicial Magistrate, Madhubani in connection with Benipatti P.S. Case No. 33 of 2013, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--