

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.18416 of 2016**

Arising Out of PS.Case No. -333 Year- 2015 Thana -COMPLAINT CASE District- SUPAUL

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1. Udesb Mukhiya, Son of Dasai Mukhiya, resident of Village- Situhar  
Bela, P.S. and District- Supaul.

.... .... Petitioner/s

Versus

1. The State of Bihar.  
2. Rani Devi, wife of Udesb Mukhiya, daughter of Shiv Narayan Mukhiya,  
Resident of Village- Chaughara, P.S. & District- Supaul.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Madhav Jha  
For the Opposite Party/s : Mr. Ajit Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

7      27-09-2016

The petitioner being second husband of the complainant is apprehending his arrest in a complaint case wherein processes were directed to be issued after cognizance being taken for the offences punishable under Section 498A of the Indian Penal Code and Section 4 of the Dowry Prohibition Act.

The prosecution case is that initially the complainant was married with the elder brother of the petitioner namely Awadhesh Mukhiya and gave birth to a female child but on the death of the elder brother of the petitioner the petitioner performed marriage with the complainant and thereafter torture was inflicted. Subsequent to the filing of the present complaint the complainant died at her parents' house. Since the complainant died after filing of the

complaint the notices were issued to the father of the complainant by this Court vide order dated 27.04.2016.

The petitioner and the father of the complainant are present in the Court.

It is submitted by learned counsel for the complainant that father of the complainant is not opposing the prayer for bail of the petitioner and admits that his daughter died at her parents' house subsequent to the present complaint but he wants some security for the minor child of the complainant by way of some share in the property of the petitioner.

It is submitted by learned counsel for the petitioner that petitioner is ready to give share in the property to the child but for that some mutual arrangement has to be made in consultation of other family members.

Considering the aforesaid facts, let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of 12 weeks from today, be released on provisional anticipatory bail for six months on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Supaul in connection with Complaint Case No. 333C of 2015, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

On filing of the affidavit by the petitioner with

regard to the allocation of share in the property to the child under the guardianship of the maternal and paternal grandfather, the provisional bail of the petitioner will be confirmed by learned Court below.

Shageer/-

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(Dinesh Kumar Singh, J)