

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.1798 of 2019**

Arising Out of PS. Case No.-113 Year-2013 Thana- COMPLAINT CASE District- Supaul

Babu Lal Mukhiya. S/o-Late Bikru Lal Mukhiya, Resident of Village-  
Balbhadrapur, P.S.-Birpur, Distt.-Supaul.

... .. Petitioner/s

Versus

1. State Of Bihar.
2. Devki Devi, w/o- Babu Lal Mukhiya, Balbhadrapur, P.S.-Birpur, Distt.-  
Supaul.

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Nafisuzzoha  
For the Respondent/s : Mr.Sri Sakir Ahmad

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

2      15-01-2019                      Heard learned counsel for the petitioner and  
counsel appearing on behalf of the State.

The petitioner, being the husband is languishing in  
custody since 03.10.2018 in connection with Complaint Case  
No.113C/2013 registered under Sections 498A, 341, 323,  
504/34 of the Indian Penal Code.

Prosecution case as per the FIR is that the  
complainant's marriage was performed with the petitioner about  
22-25 years prior to lodging of the complaint. After some time,  
two children were born out of the wedlock. It is further alleged  
that after the birth of second child, her husband used to torture  
her and he also solemnized second marriage with one Rabari  
Devi. Thereafter, petitioner ousted her from the matrimonial



house.

It is submitted by learned counsel for the petitioner that the marriage was performed 20 years prior to lodging of the case and one child of the petitioner has also got married.

Considering the accusation of torture, the fact that the present case has been registered after about two and a half decades of marriage, let the above named petitioner be enlarged on bail on furnishing bail bond of Rs.10000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Shri L.B. Prasad, J.M. Birpur at Supaul in connection with Complaint Case No.113C/2013.

**(Dinesh Kumar Singh, J)**

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