

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19530 of 2019

Arising Out of PS. Case No.-1 Year-2018 Thana- PARSAUNI District- Sitamarhi

RAJ KUMAR MUKHIYA Son of Dinesh Mukhiya Resident of village-
Amana, P.S.- Sursand, Distt.- Sitamarhi

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Hema Devi Wife of Raj Kumar Mukhiya R/o village- Amana, P.S.- Sursand,
Distt.- Sitamarhi, Permanent address- R/o village- Kathaur, P.S.- Parsauni,
Distt.- Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Kumar
For the Opposite Party/s : Mr.Mithlesh Kumar Khare

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 21-08-2019 Heard learned counsels for the petitioner, informant
and APP for the State.

The petitioner, being the husband of the informant, is apprehending arrest in a case registered for the offences punishable under Sections 341,323,379, 498A, 494 and 504 of the IPC and Sections 3 and 4 of the Dowry Prohibition Act.

The prosecution case, as per the complaint petition which was subsequently registered as police case after the complaint being transferred under Section 156(3) of the Cr.P.C., is to the effect that the informant Hema Devi was married with the petitioner Raj Kumar Mukhiya but subsequent to the marriage, further dowry demand of a motorcycle was made and due to non-fulfillment of the same, torture was inflicted upon



the informant. Ultimately, the informant was driven out of the matrimonial house. It is also alleged that on 6.8.2017, the family members of the informant went to her in-laws' house to pacify the issue but the petitioner declined to keep the informant since he had performed second marriage.

The informant and the petitioner are present in Court.

Learned counsel for the petitioner submits that the petitioner admits his marriage with the informant and is ready to keep her as wife with full dignity and honour. Statement to that effect has been made in paragraph 8 of the petition, which reads as follows:

“That it is submitted that petitioner has ready to keep his wife with full dignity and honour.”

However, the petitioner admits that he has performed second marriage since the informant deserted him. It is further submitted that the mediation could not succeed since the informant failed to appear before Mediator.

It is submitted by learned counsel for the informant that he could not inform the informant about the date of mediation as a result she could not appear but since the petitioner has performed second marriage, there is no question of resuming the conjugal life.



However, the informant will be satisfied if some payment is made by the petitioner for the present.

Learned counsel for the petitioner submits that in alternative the petitioner will make payment of Rs.1800/- per month to the informant from September, 2019 by depositing the same in her bank account by second week of every succeeding month.

The learned counsel for the informant, on instructions, submits that the informant accepts the offer and is ready to submit her bank account details within a period of three weeks from today by filing the same on affidavit before the learned court below.

Considering the present stand of the parties, in order to save the informant for the present from destitution and vagrancy with a lurking hope that the issue may reconcile in future, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender within 12 weeks on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned ACJM, Sitamarhi in connection with Parsauni P.S. Case No. 1 of 2018 subject to the conditions laid down in Section 438(2) of the Cr.P.C.

The aforementioned payment will be subject to any order



passed in matrimonial, maintenance or collateral proceedings.

Three consecutive defaults in making payment will give liberty to the informant to file application for cancellation of bail of the petitioner.

The present order, in no way, will preclude the parties to resolve the issue otherwise.

(Dinesh Kumar Singh, J)

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