

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37242 of 2019

Arising Out of PS. Case No.-785 Year-2017 Thana- SAHARSA COMPLAINT CASE
District- Saharsa

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SUBHASH MUKHIYA @ SUBHASH KUMAR, Son of Kishor Mukhiya,
Resident of Village - Khopaiti, P.S. and District - Madhepura.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. Kiran Devi @ Sanju Devi, D/O Bucho Mukhiya, Wife of Subhash Mukhiya,
Resident of Village - Jemhra O.P. Patarghat, P.S. - Saur Bazar, District -
Saharsa

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Opposite Party/s : Mr. Asha Kumari (App137)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

4 19-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 324, 341, 498(A), 494, 504/34 of the Indian Penal Code as well as Section 3/4 of the Dowry Prohibition Act.

Petitioner is husband of opposite party no. 2. Allegation is of demand of dowry and torture for the same. Further allegation is that petitioner has already married with another lady.

In the aforesaid circumstance, the opposite party no. 2 was ready for permanent resolution on getting rupees one lack as permanent alimony for which the petitioner was not



ready.

Considering the nature of allegation and factual position of this case that petitioner has already married with another lady and he is not even ready to talk for settlement, I am not inclined to enlarge the petitioner on anticipatory bail in connection with Complaint Case No. 785C of 2017 pending in the Court of learned Sub-Divisional Judicial Magistrate, Saharsa.

Hence, prayer for anticipatory bail is refused.

However, petitioner may surrender and pray for regular bail which shall be considered without being prejudiced by this order.

(Birendra Kumar, J)

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