

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52170 of 2022

Arising Out of PS. Case No.-8 Year-2022 Thana- SATHI District- West Champaran

1. KAILASH MUKHIYA @ KAILASH BIN SON OF LATE JAGDISH MUKHIYA @ JAGDISH BIN RESIDENT OF VILLAGE- DHOBANI PARSAUNA VRITA TOLA, P.S. SATHI, DISTRICT- WEST CHAMPARAN.
2. MUKESH MUKHIYA SON OF LATE BADHU MUKHIYA RESIDENT OF VILLAGE- DHOBANI PARSAUNA VRITA TOLA, P.S. SATHI, DISTRICT- WEST CHAMPARAN.
3. PHOOLMATI DEVI WIFE OF MUKESH MUKHIYA RESIDENT OF VILLAGE- DHOBANI PARSAUNA VRITA TOLA, P.S. SATHI, DISTRICT- WEST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioner and the State.

The petitioners apprehend their arrest in connection with Sathi P.S. Case No. 08 of 2022 instituted under Sections 341, 323, 379, 365, 498(A), 34 of the Indian Penal Code read with Sections 3 and 4 of Dowry Prohibition Act.

Learned counsel for the petitioners submit that entire allegation is vague, omnibus and no specific attribution against them. Further both the son of the petitioner and his daughter-in-law are traceless and he do not know about it.



Learned APP on the other hand submits that a bare perusal of the FIR would show that the lady has to remain without food for days in her in-laws' house and when her father was ill and she visited her parents' home, the son of the petitioner No. 1 visited there and created ruckus and also beat his wife. It is further submitted by the learned APP that a bare perusal of the FIR would show that father-in-law, petitioner No. 1 was actively supporting the steps taken by his son against the daughter -in-law.

Taking into account the aforesaid facts, so far as the petitioner No. 1, Kailash Mukhiya, father-in-law is concerned, this Court is not inclined to grant him relief and his petition stands rejected.

So far as the petitioner Nos. 2 and 3 namely, Mukesh Mukhiya and Phoolmati Devi are concerned, it has been submitted by the learned counsel for the petitioners that they are distinctly related to the family and nothing to do with the present allegation but has been dragged in by the informant side only because they belong to the extended family.

Taking into account all the aforesaid facts, this Court is inclined to grant relief to Petitioner Nos. 2 and 3 namely, Mukesh Mukhiya and Phoolmati Devi.



Let the petitioners Nos. 2 and 3 namely, Mukesh Mukhiya and Phoolmati Devi be released on bail, in the event of their arrest or surrender before the subordinate court within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each in connection with Sathi P.S. Case No. 08 of 2022 to the satisfaction of learned Chief Judicial Magistrate, Bettiah, West Champaran, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Ravi/Ajay
Singh/-

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