

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57746 of 2022

Arising Out of PS. Case No.-62 Year-2021 Thana- MAHILA P.S District- Supaul

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DINESH MUKHIYA @ DINESH KUMAR MUKHIYA Son of Mahendra Mukhiya @ Mahindar Mukhiya Resident of Village- Narayanpur Ward No.- 08, P.S.- Bhaptiyahi District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Patla Kumari, Advocate

For the Opposite Party/s : Mr.Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 06-02-2023 Heard the learned counsel for the petitioner, the learned APP for the State and the learned counsel for the informant.

The petitioner seeks regular bail in connection with Mahila PS case no. 62 of 2021 instituted for the offences punishable under Sections 498, 494 and other allied sections of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

It is the allegation of the informant namely Amirika Devi that her marriage was solemnized in the year 2006 with the petitioner according to Hindu rites and rituals, during the course whereof, gifts, cash amount, one motorcycle, jewellery and other articles were given, whereafter, the informant had gone to her in-law's place and out of the said wedlock, two sons were born, however, since past two years, her husband i.e. the petitioner



herein and her in-laws started demanding a sum of Rs. 2 lacs by way of dowry and upon non-fulfilment of the demand for dowry, the accused persons had married the husband of the informant i.e. the petitioner herein with one Parvati Devi and then about two months back, the accused persons had assaulted the informant and thrown her out of her matrimonial home.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, he is having a clean antecedent and is languishing in custody since 05.05.2022. The learned counsel for the petitioner has further submitted that the petitioner is ready to keep his wife and children, along with him, with due honour and dignity, however, the informant is not ready to stay with him. It is also submitted that the impugned order dated 31.08.2022 would bear it out that despite the prosecution being directed several times to produce the informant, the informant did not turn up, thus the malice on the part of the informant is apparent.

Per contra, the learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail. The learned counsel for the informant has submitted that since the petitioner has performed second marriage, there is no occasion for the informant to stay with him and the informant wants to contest the case tooth and nail, hence the



petitioner be not granted the privilege of bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that the petitioner is ready to keep his wife and children with due honour and dignity but the informant is not ready to stay with him, apart from the fact that the petitioner is languishing in custody since about 09 months, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Chief Judicial Magistrate, Supaul in connection with Mahila PS case no. 62 of 2021.

(Mohit Kumar Shah, J)

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