

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18038 of 2024

Arising Out of PS. Case No.-994 Year-2011 Thana- COMPLAINT CASE District- Supaul

BIMAL MUKHIYA S/O- SUKHDEV MUKHIYA @ SUKDEV MUKHIYA
R/O- VILLAGE- GADHIYA, P.S.- BHAPTIYAH, DIST.- SUPAUL.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR, PATNA
2. SHYAMA DEVI W/O BIMAL MUKHIYA, D/O LATE YUGAL MUKHIYA R/O VILLAGE- MACHHA, SAURAJAN, P.S- RAGHOPUR, DISTT.- SUPAUL.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun .

For the Opposite Party/s : Mr. Md. Shakir Ahmad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 31-07-2024 | <p>1. Heard learned Counsel for the petitioner, learned Counsel for the informant-Opposite Party No. 2 and learned Additional Public Prosecutor for the State.</p> <p>2. The petitioner apprehends his arrest in connection with Complaint Case No. 994C of 2011, registered for the offences punishable under Section 498(A), 323, 379, 504, 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.</p> <p>3. The allegation, as per the complaint, is that she was married to one Gulab Mukhiya seven years ago and her husband lived in Punjab for earning livelihood where he died due to illness, thereafter, her second marriage was solemnized with the present petitioner by consent of both the families but it is alleged that after six months she was</p> |
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tortured by her in-laws including petitioner for a demand of she-buffalo and Rs. 25,000/- as dowry and due to non-fulfillment of the said demand, the petitioner and other family members tortured the Opposite Party No. 2 physically as well as mentally and also ousted the Opposite Party No. 2 from her matrimonial home. She further alleged that her mother-in-law took L.I.C. maturity claim of her first husband.

4. Learned Counsel for the petitioner submits that the petitioner has not committed any offence in the manner alleged and he has falsely been implicated in this case. However, without prejudice to the right and contention of the petitioner, and in order to maintain harmony in the family, the petitioner is ready and willing to pay a sum of Rs. 5,000/- per month to the Opposite Party No. 2 as living cost, subject to the final outcome of the present case as well as the matrimonial case pending between the parties.

5. Learned Counsel for the informant-Opposite Party No. 2 accepts the offer so made by learned Counsel for the petitioner and submits that the petitioner may be directed to deposit the said amount of Rs. 5,000/- per month in the bank account of the informant-Opposite Party No. 2, details of which shall be furnished by learned Counsel for the



Opposite Party No. 2 to learned Counsel for the petitioner within fifteen days from today.

6. After having heard learned Counsel for the parties and taking into consideration the materials on record and the fact that the offer made by learned Counsel for the petitioner has been accepted by learned Counsel for the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.

7. This application is, accordingly, allowed.

8. Let the petitioner, above named, in the event of his arrest/surrender before the learned Court below within a period of six weeks from today, be released on bail, upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Supaul, in connection with Complaint Case No. 994C of 2011.

9. This is subject to the condition that the petitioner shall deposit a sum of Rs. 5,000/- per month in the bank account of Opposite Party No. 2 positively, starting from 15th August, 2024.

(Anil Kumar Sinha, J)

HarshPandey/-

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