

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52896 of 2023

Arising Out of PS. Case No.-247 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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RAMANANDI MUKHIYA @ RAM ANANDI MUKHIYA SON OF
BHIKHARI MUKHIYA RESIDENT OF VILLAGE- DHODHANA
MAJHAULIYA, WARD NO 08, PS- DUMRA, DIST -SITAMARAHI

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. SHANTI DEVI WIFE OF RAMANANDI MUKHIYA RESIDENT OF
VILLAGE- DEMA, PS- PARSAUNI, DISTT- SITAMARHI

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ayush Kumar, Advocate
For the State	:	Ms. Meena Singh, APP
For Opposite Party No.2	:	N o n e

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

7 02-09-2024 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

2. Despite valid service of notice, nobody appears on
behalf of the Opposite Party No. 2.

3. The petitioner apprehends arrest in a case registered
for the offences punishable under Section 498A of the Indian
Penal Code.

4. Case of the complainant in brief is that complainant
was married with this petitioner on 02.06.2010 as per Hindu
rites and rituals and after one year of marriage, this petitioner
started harassing and torturing her, due to which she filed a case



but the matter was compromised on the basis that this petitioner would treat her with respect. However, after compromise, all the accused persons, including this petitioner, again started harassing the complainant due to non-fulfillment of demand of dowry and ultimately, on 27.02.2022, she was ousted from her matrimonial house.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the complainant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. As a matter of fact, the petitioner at no point of time demanded any dowry or committed torture. It is further submitted that petitioner is ready to keep the complainant, as his wife, with full honour and dignity. It is next submitted that the case is triable by the Magistrate. In this connection, petitioner has relied upon a judgment of this Court in the case of *Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar*, reported in **2006(3) PLJR 182**. Petitioner claims clean antecedents.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of petitioner.

7. Considering the aforesaid facts and circumstances,



the prayer for grant of anticipatory bail to the petitioner is allowed.

8. Accordingly, let the above named petitioner, in the event of his arrest/surrender within a period of eight weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi, in connection with Sitamarhi Complaint Case No. 247 of 2022, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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