

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51294 of 2024

Arising Out of PS. Case No.-8 Year-2016 Thana- COMPLAINT CASE District- Supaul

Shushil Mukhiya Son of Chutahara Mukhiya Resident of Mohalla - Tharaha
Matiyari, P.S.- Balua Bazar, District - Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Smt. Kamni Devi Wife of Shushil Mukhiya D/o Sato Mukhiya, Resident of Mohalla - Tharaha Matiyari, P.S.- Balua Bazar, District - Supaul at present residing at village - Fakirna, P.S.- Karjain, District - Supaul

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Patla Kumari, Adv.
For the Opposite Party/s:		Mr. Nand Kumar, APP.
		Mr. Shailendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 13-11-2024 Heard learned counsel for the petitioner, learned APP for the State and learned counsel for the complainant.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 147, 323, 379, 498(A), 406, 504, 506/34 of the Indian Penal Code and Section 3/4 of the Dowry Prohibition Act.

3. Petitioner, who is husband of complainant, is said to have tortured upon her physically and mentally and ousted her along with her children from her matrimonial house in association of his family members over the dowry demand. They also tried to kill the complainant by sprinkling kerosene oil upon her, but anyhow she managed to save herself.



4. It is submitted by learned counsel for the petitioner that the petitioner is an innocent person and has committed no offence. He has falsely been implicated in the present case due to ulterior motive. He has neither made any dowry demand nor tormented the complainant over the demand of dowry nor drove her out of her matrimonial home. All the allegation levelled against the petitioner is totally false and based on concocted facts. The real fact is that the complainant herself did not want to live in her matrimonial house with her in-laws. She left her matrimonial house along with her entire belongings with her own will. It is further submitted that petitioner is still ready to keep her with full honour and dignity. He has relied upon the 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**. Learned counsel further submits that petitioner has no criminal antecedent as mentioned in para 3 of the bail application.

5. In that view of the matter, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount



each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Complaint Case No. 8C of 2016, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

6. Petitioner is ready to pay Rs. 3,000.00 (Rupees Three Thousand) per month to the complainant in the second week of every month. If the petitioner fails to pay the aforesaid amount on two consecutive months, complainant shall be at liberty to move before the learned Court below for cancelling the bail bond of the petitioner.

7. It goes without saying that the aforesaid payment shall be subject to any order being passed in matrimonial maintenance case or any other collateral proceedings.

8. Learned counsel for the complainant is directed to furnish the bank account details of the complainant in the learned Court below. If she fails to furnish the same, the aforesaid amount will be deposited in the learned Court below which will be released in favour of the complainant after she furnishes her bank account details.

9. If so advised, either of the parties will be at liberty to make an application before the learned Court below for referring the matter to the District Mediation Center for the purpose of



reconciliation or one time settlement.

10. With the aforesaid observation and direction, this application stands disposed of.

(Anjani Kumar Sharan, J)

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