

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77373 of 2023

Arising Out of PS. Case No.-44 Year-2023 Thana- MAHILA PS District- Darbhanga

DEEPAK MUKHIYA S/O SURENDAR MUKHIYA R/O VILLAGE- ROOP
NAGAR, P.S- BIRAUL, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. BHARTI DEVI D/O JAWAHAR MUKHIYA R/O VILLAGE- ROOP
NAGAR, P.S- BIRAUL, DISTT.- DARBHANGA.

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vinay Kumar Mishra, Advocate
For the State	:	Md. Anzarul Haque Sahara, APP
For Opposite Party No.2	:	N o n e

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 02-07-2024 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 Sections 498A, 494, 323, 506
and 34 of the Indian Penal Code and Sections 3 and 4 of the
Dowry Prohibition Act.

4. As per the complaint case, informant got married
with this petitioner on 17.06.2022 and at the time of marriage
father of the informant gave Rs. 1,51,000/-, one motorcycle and
1.50 bhar gold as gift, but after some time, this petitioner started



demanding Rs. 2,00,000/- in dowry from the informant and due to non-fulfillment of the demand, all the named accused persons, including this petitioner, tortured and harassed the informant and ousted her from the matrimonial house.

5. It is submitted on behalf of petitioner that petitioner happens to be husband of the informant and present case has been lodged due to petty family dispute. There is general and omnibus allegation of commission of assault against him. It is further submitted that petitioner is ready to keep the informant, 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**.

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 six 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 Sub-Divisional Judicial Magistrate, Darbhanga, in connection with Darbanga Mahile P.S. Case No. 44 of 2023, subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Singh, J)

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