

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Anticipatory Bail Petition No. 1108/2026

1. Lal Mukhiya s/o Suresh Mukhiya,
2. Radhiya Devi w/o Suresh Mukhiya,
3. Suresh Mukhiya s/o Keshi Mukhiya, all are resident of Village - Kathara, P.S. -
Manigachhi, District - Darbhanga ----- Petitioners

versus

State of Bihar ----- Opposite Party

Appearance(s):

Counsel for the Petitioner(s) : Sri Subodh Kumar, Learned Advocate,
Counsel for the State : Sri A. N. Jha, Learned Public Prosecutor.
Counsel for the Informant : Sri S. K. Jha, Learned Advocate.

ORDER
31.07.2026

1. The present application has been preferred under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 seeking the privilege of anticipatory bail in connection with Complaint (P) Case No. 1409 of 2023, wherein cognizance has been taken for the offences punishable under Sections 341, 323, 498A read with Section 34 of the Indian Penal Code (hereinafter referred to as "IPC") and Section 4 of the Dowry Prohibition Act.
2. The prosecution case, as emerging from the complaint petition, is that the complainant was married to petitioner no. 1 in the year 2022 according to Hindu rites and customs. It is alleged that after some time of the marriage, the petitioners started demanding one motorcycle and cash of Rs.2,00,000/- as additional dowry and, on account of non-fulfilment of the said demand, subjected the complainant to physical and mental cruelty. It is further alleged that on 31.07.2022, the accused persons forcibly snatched away the complainant's belongings and ousted her from the matrimonial home. Thereafter, on 05.08.2023, the petitioners allegedly reiterated the demand for dowry and abused the complainant as well as her father. It is also alleged that despite intervention through the Mahila Helpline and issuance of notices dated 08.08.2023 and 06.10.2023, the accused persons continued to abuse and assault the complainant and attempted to compel her to put her thumb impression on a stamp paper, which she refused, whereupon she was again subjected to abuse and harassment.
3. Learned counsel appearing on behalf of the petitioners submitted that the petitioners are innocent and have been falsely implicated owing to matrimonial

discord between the spouses. It has further been submitted that the only criminal antecedent attributed to the petitioners is Mahila P.S. Case No. 49 of 2024, which has also been instituted by the present complainant arising out of the same matrimonial relationship. Learned counsel further submitted that the parties have now initiated talks for an amicable settlement and the petitioners are ready and willing to keep the complainant in the matrimonial home with full dignity, honour and respect. On these premises, prayer has been made for grant of anticipatory bail.

4. Learned Public Prosecutor opposed the prayer for anticipatory bail by submitting that petitioner no. 1 is the husband of the complainant whereas petitioner nos. 2 and 3 are her mother-in-law and father-in-law respectively, and serious allegations relating to cruelty and demand of dowry have been levelled against them. However, he fairly submitted that if the petitioners are genuinely willing to rehabilitate the complainant in the matrimonial home with dignity and respect, he has no serious objection to grant of anticipatory bail subject to appropriate conditions.
5. Learned counsel appearing on behalf of the complainant, in the presence of the complainant, submitted that although he does not seriously oppose the prayer for anticipatory bail, the process of reconciliation is still underway and, therefore, suitable conditions may be imposed to protect the interest of the complainant.
6. The complainant is personally present before the Court and has stated that she is willing to resume cohabitation with petitioner no. 1 and return to her matrimonial home, provided she is treated with dignity, respect and is not subjected to any form of cruelty or harassment.
7. I have heard the learned counsel for the parties at length and carefully perused the materials available on record.
8. From the complaint petition, it appears that cognizance has already been taken for the offences punishable under Sections 341, 323, 498A read with Section 34 of the IPC and Section 4 of the Dowry Prohibition Act. The allegations primarily pertain to demand of dowry and cruelty allegedly committed by the husband and his family members. At the same time, it also appears from the submissions advanced before this Court that the dispute essentially arises out of matrimonial discord between the parties. Petitioner no. 1 is the husband of the complainant, petitioner no. 2 is her mother-in-law and petitioner no. 3 is her father-in-law. It further appears that the only criminal antecedent attributed to the petitioners is Mahila P.S. Case No. 49 of 2024, which has also been instituted by the same complainant and arises out of the

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Santosh Kumar Pandey, D&ASJ – II, Darbhanga
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matrimonial relationship. The parties have fairly submitted before this Court that efforts are being made for reconciliation and restoration of matrimonial harmony. The complainant herself has expressed her willingness to resume matrimonial life subject to being treated with dignity and respect. The petitioners have also undertaken before this Court that they shall keep the complainant in the matrimonial home with full honour and shall not subject her to any physical or mental cruelty.

9. Having regard to the nature of the allegations, the relationship between the parties, the fact that the dispute is essentially matrimonial in nature, the ongoing reconciliation process, the willingness expressed by the complainant to resume matrimonial life and the undertaking given by the petitioners to keep her with dignity and honour, this Court is of the considered opinion that the petitioners have succeeded in making out a fit case for grant of anticipatory bail.
10. Accordingly, the prayer for anticipatory bail is **allowed**.
11. Let the petitioners, in the event of their arrest or surrender before the learned Court concerned within **six weeks** from the date of this order, be released on bail on furnishing bail bonds of **Rs.10,000/- (Rupees Ten Thousand only) each** with **two sureties of the like amount each** to the satisfaction of the learned Court concerned, subject to the conditions prescribed under **Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023**, and further subject to the following conditions:
 - (i) Petitioner no. 1 shall keep the complainant in the matrimonial home with full dignity, honour and respect and shall not subject her to any physical or mental cruelty or harassment on account of dowry or otherwise and shall also file an undertaking before the learned court concerned to this effect.

(Santosh Kumar Pandey)
Additional Sessions Judge-II
Darbhanga
31.07.2026

Date of Judgement/order	31.07.2026
Date of reserving judgement/order	31.07.2026
Uploading Date	01.08.2026
Uploaded by	Ashish Kumar, Stenographer.