

IN THE COURT OF ADDITIONAL SESSIONS JUDGE-II, DARBHANGA
Anticipatory Bail Petition No. 1109/2026

1. Lal Mukhiya s/o Suresh Mukhiya,
2. Suresh Mukhiya s/o Keshi Mukhiya,
3. Radhiya Devi w/o Suresh 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 Mahila P.S. Case No. 49 of 2024 dated 04.06.2024, registered for the offences punishable under Sections 498A, 341, 323, 379, 506 read with Section 34 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act.
2. The prosecution case, as disclosed in the First Information Report, is that the Informant was married to petitioner no. 1 according to Hindu rites and customs. It is alleged that at the time of marriage, her father had provided ornaments and other articles worth approximately Rs. 8,00,000/-. After about one month of the marriage, the petitioners allegedly started demanding one Bullet motorcycle and cash of Rs. 2,00,000/- as additional dowry. Upon failure to fulfil the said demand, the Informant was allegedly subjected to physical assault with an intention to kill her, though she was rescued by the intervention of neighbouring persons. It is further alleged that the accused persons forcibly took away her belongings and expelled her from the matrimonial home. The prosecution further alleges that on the intervention of village elders and well-wishers, the parties arrived at a settlement on 05.05.2024 and the Informant's *vidagari* was fixed on 19.05.2024. However, after she returned to her matrimonial home, the petitioners allegedly reiterated the demand for dowry, assaulted her and subjected her to cruelty, compelling her to lodge the present First Information Report.

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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 been further submitted that the only criminal antecedent against the petitioners is Complaint Case No. 1409 of 2023, which was also instituted by the present Informant and pertains to the same matrimonial dispute. Learned counsel submits that the parties have now resumed negotiations for an amicable settlement and that the petitioners are ready and willing to keep the Informant 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 Informant while petitioner nos. 2 and 3 are her parents-in-law and specific allegations of cruelty and demand of dowry have been levelled against them. However, he fairly submitted that if the petitioners genuinely intend to rehabilitate the Informant in the matrimonial home with due dignity and respect, he has no serious objection to grant of anticipatory bail subject to appropriate safeguards.
5. Learned counsel appearing for the Informant, in the presence of the Informant, also submitted that although he does not seriously oppose the prayer for anticipatory bail, the settlement process is still underway and, therefore, appropriate conditions may be imposed to safeguard the interest of the Informant.
6. The Informant, who is personally present before the Court, 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 without any harassment.
7. I have heard the learned counsel for the parties and carefully perused the materials available on record. It appears from the First Information Report that the petitioners are specifically named and allegations of cruelty and demand of dowry have been attributed to them. At the same time, it is equally evident from the submissions made before this Court that the dispute essentially emanates from matrimonial discord between the husband and wife. Petitioner no. 1 is the husband of the Informant, whereas petitioner nos. 2 and 3 are her father-in-law and mother-in-law respectively. It further appears that the only criminal antecedent attributed to the petitioners is another complaint instituted by the same Informant arising out of the matrimonial relationship. Both sides have fairly submitted before this Court that efforts are being made for reconciliation and

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restoration of matrimonial harmony. The Informant herself has expressed her willingness to reside with the petitioners, subject to being treated with dignity and respect. The petitioners have also undertaken before this Court that they shall keep the Informant in the matrimonial home with full honour and shall not subject her to any physical or mental cruelty.

8. Having regard to the nature of the allegations, the relationship between the parties, the fact that the dispute arises out of matrimonial discord, the ongoing efforts towards an amicable settlement, the statement made by the Informant before this Court expressing her willingness to resume matrimonial life, and the undertaking given on behalf of the petitioners to keep her with dignity and honour, this Court is of the considered opinion that the petitioners have made out a fit case for grant of anticipatory bail.
9. Accordingly, the prayer for anticipatory bail is **allowed**.
10. 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 Informant 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 give 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
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