

**In the Court of Sri Rishi Gupta, Dist. & Addl. Sessions Judge-I, Benipur,
Darbhanga.**

Present **Rishi Gupta**
Dist. & Addl. Sessions Judge-I, Benipur
Benipur, dated, the 11th June, 2026
Bail Petition no. 49 of 2026

Prakash Mukhiya

.....**Petitioner.**

Versus

The State of Bihar

.....**Opposite Party.**

Counsel for the petitioner :- Sri Ram Chandra Yadav, Ld. Advocate.

Counsel for the State :- Smt. Punam Jha, Ld. APP.

ORDER

11.06.2026 The present application for bail has been filed on behalf of petitioner namely Prakash Mukhiya, S/o Jagdeo Mukhiya, R/o village – Andouli, P.S. -Alinagar, Dist. - Darbhanga, in connection with C.R. No. 47/24, and the cognizance has been taken for offence u/s 498(A), 323 of IPC which is pending in the Court of ACJM, Benipur, Darbhanga.

Heard Sri. Ram Chandra Yadav the Ld. Counsel for the petitioner and Smt. Punam Jha, Ld. A.P.P. on behalf of the State.

The complaint case as stated by complainant in her complaint petition is that she got married with the accused petitioner on dated 02.03.2020 according to Hindu rites. That at the time of marriage, her father spend two bahar ornaments and one motorcycle and seven lakhs in cash as gifts. When she went to the house of her in-laws, they started taunting her saying that they have got less amount in dowry and they raised demand of two lakhs rupees more and intimidated that after receiving that only they will allow her to live in their house. That when she objected the same, they started taunting her daily and tortured her mentally and physically. That when she got pregnant then in the last month of her pregnancy they intentionally to abort the child hit on her abdomen and due to this when the child born as dead. That after her delivery all of her in-laws left her alone in the hospital and ran away. That later a Panchyat took place but they did not agree even in Panchyat. That at last on dated 17.05.2022 they all snatched her goods and oust her from their house. Later on she came to know from facebook that her husband got married with some one else without taking divorce from her.

The Counsel for the petitioner has submitted that this is the petition for grant of regular bail on behalf of above named petitioner who is rotting in jail custody since 23.05.2026 in connection with above mentioned case. That the petitioner is quite innocent and has committed no offence. That the above named petitioner who has voluntarily appearing in the court of ACJM, Benipur for misuse of bail since 12.02.2026 & same day bail was rejected on 23.05.2026. That there is no criminal antecedent against the petitioner. That after cognizance accused and the petitioner were enlarged on anticipatory bail vide Cri.Misc. No. 86427/2024 and order sheet dated 23.12.2025. That appearance of accused was completed and case was fixed for evidence on

Court of Dist. & Addl. Sessions Judge-I, Benipur (Darbhanga)
Present:- Shri Rishi Gupta, Dist. & Addl. Sessions Judge-I, Benipur
In C.R. No. 47/24, State vs. Prakash Mukhiya.

20.01.2026. That due to mistake of date no pairvi could be done on 12.02.2026 as a result of which W/A order was passed on same day that is 12.02.2026. That out of 6 accused, one co-accused Subhash Mukhiya was arrested on 06.05.2026 and was enlarged on bail on 19.05.2026. That rest of 4 co-accused persons were enlarged on bail on 02.07.2024. That your petitioner has not violated the condition of Hon'ble High Court. That complainant has received 1,50,000/- and motorcycle which will appear from the lower court order sheet dated 23.12.2025 and 20.01.2026. That the complainant has re-married with one Ram Mukhiya, S/o Ashrafi Mukhiya of village-Nadiyami Mohanpur, PS Sakatpur without divorce. That complainant has violated the order of mediation centre and taken marriage with Ram Mukhiya. That complainant had to file joint divorce petition before family court u/s 13(B) of Hindu marriage Act but she denied to file joint divorce and has not fulfilled the condition of mediation centre. That the second installment had to be paid at the time of Divorce case admission but complainant became not ready to file joint divorce hence complainant has violated the order of mediation center. That 3rd installment was to be paid on Lakh. That 4th installment was to be paid before family judge court at the time of giving last evidence. That complainant has disobeyed the order of mediation center after taking 1,50,000/- and motorcycle. That complainant has married with Ram Mukhiya, photo graph of complainant and her husband is being filed with this bail application. That there is no fault on the part of petitioner. That misuse of bail is due to not pairvi of the petitioner on 22.01.2025. that your petitioner is in custody since 23.05.2026. That your petitioner is ready to furnish bail bonds to the satisfaction of the court. Therefore, the present petition may be allowed.

On the other hand Ld. APP appearing for the State has opposed the prayer for bail and submitted the offence is grave in nature, hence the bail petition may be rejected. That Ld. Counsel on behalf of complainant also submitted that as the petitioner has violated terms of Hon'ble court so his bail may be rejected.

Heard, Submissions of both parties and perused the record. From perusal of record, it has been found that the petitioner was earlier granted bail by Hon'ble High Court in Criminal Miscellaneous 86247/2024 vide order dated 01.11.2025. That the order of the Hon'ble Court Para-5, 6 and 7 is reiterated as follows:-

5. It has jointly been submitted that the mediation has been successful. The terms and conditions of compromise entered into between the parties has been annexed with the mediation report dated 16.09.2025.

6. Considering the above mentioned facts and circumstances, let the petitioner, in event of arrest or surrender within ten weeks before the Ld. Court below, be released on anticipatory bail on furnishing bail bond of Rs. 10000/- with two sureties of like amount each to the satisfaction of the Ld. ACJM, Benipur, Darbhanga in connection with Complaint Case No-47 of 2024, subject to the conditions as read down under section 438(2) Cr.P.C.

7. The petitioner and his wife (the Complainant) shall file divorce petition under section 13(B) of the Hindu marriage Act, 1955 within a period of two months from today.

That after the said order dated 01.11.2025, the petitioner appeared before the Ld. Court of ACJM, Benipur and filed his bail bonds within time on dated 23.12.2025. That on dated 12.02.2026, petitioner alongwith other accused persons did not appear before court and their bail bond was canceled. That on dated 19.05.2026 and 21.05.2026, rest accused were granted bail but on dated 23.05.2026, the bail of petitioner was rejected mentioning that the petitioner accused violated the condition of bail granted by Hon'ble High Court, Patna.

This court minutely read and observed the order of Hon'ble High Court, Patna, dated 01.11.2025, passed in Criminal Miscellaneous Number:- 86247 of 2024 and found that the operative part of granting bail was Para-6 of the order (Which has also been reiterated hereinbefore) and in the same the only condition laid down was just to comply with the provision of section 438(2) of Cr.P.C. That even if this court follows the Para 5 and 7 of the order of Hon'ble Court, this court does not find any compulsive direction that if any condition would not be complied with, the bail shall be considered cancelled automatically or that the Magistrate shall cancel the bail. So as there was no such direction as such, the aggrieved (if any) may reach to the appropriate court for compliance of the same, so this court finds that clearly there is no breach of conditions of bail by the petitioner. Moreover in this case, the petitioner filed bail bond and was already on the bail at the time of surrender and at max he misused the privilege of bail and for the same, he has been sufficiently punished that too when the prima-facie case was found merely under section 498(A), 323 of IPC.

So, in the light of discussions made above and in such facts and circumstances of this case as well as considering period of custody, this Court finds its proper to enlarge the petitioner accused on bail and accordingly bail petition of accused petitioner namely **Prakash Mukhiya**, S/o Jagdeo Mukhiya, R/o village – Andouli, P.S. -Alinagar, Dist. - Darbhanga is hereby allowed. The petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/-(Rs. Ten Thousands/-) with two sureties of like amount each to the satisfaction of the court below and with the condition that accused petitioner shall remain physically present before the Ld. Trial Court for next five dates.

(Dictated and Corrected)

(Rishi Gupta)
Addl. Sessions Judge I,
Benipur
11.06.2026.

Date of Order	11.06.2026
Date of Reserving Order	11.06.2026
Uploading Date	17.06.2026
Uploaded by	Sanu Kumar, Steno