

Court of District and Addl. Sessions Judge, Biraul(Darbhanga)

Present:- Sri Shiv Kumar,

Dist.&Addl. Sessions Judge, Biraul.

BP No. 128/2026(Amarnath Mukhiya vs. State of Bihar)

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In the Court of District and Addl. Sessions Judge, Biraul, Darbhanga

BP No. 128 of 2026

In the matter of :-

1. Amarnath Mukhiya, Son of Ranjeet Mukhiya

.....Petitioners.

Vs.

2. The State of BiharOpposite Party.

For the petitioners:- Sri Sunil Kumar Singh, Ld. Advocate.

For the O.P.(State):- Sri Bachcha Rai, Ld. APP.

Order

12.06.2026 The present bail petition has been filed on behalf of abovenamed petitioner who is in judicial custody since 13.04.2026, in conneciton with CR case No. 278 of 2022, for the offences U/Ss 341, 323, 494, 504, 498(A) of IPC, which is pending in the Court of Ld. ACJM-II, Biraul, Darbhanga.

Heard Sri Sunil Kumar Singh the Ld. Counsel for the petitioner and Sri Bachcha Rai Ld. APP for State.

The present case has been lodged on the basis of complaint petition of complainant namely Sarita Devi. The case of the complainant in brief is that the marriage of complainant had been solemnized with one Amarnath Mukhiya five years ago. After marriage husband of complainant demanded Apachee motrocycle and upon inability being shown by the complainant they have snatched her stridhan. Amarnath Mukhiya had solemnized another marriage with one Raushani Devi. On the basis of aforementioned information the complainant had filed a complaint petition before the Court of

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Ld. ACJM-I, Biraoul which has been registered as CR case No. 278/2022. Ld. Magistrate after inquiring into the matter has found that a prima facie case is made out against the petitioner u/s 341, 323, 494, 504, 498(A) of IPC and issued processes including processes u/s 82 and 83 of Cr.P.C for obtaining his presence. After that Ld. Court below has declared him absconder by its order dt. 27.11.2024 and issued permanent warrant against him.

Ld. Counsel for the petitioner submits that the petitioner is quite innocent and he has not committed any offence. The petitioner has falsely been implicated in this false case. The petitioner has implicated in this case due to matrimonial discord and strained relationship between the parties. The allegation leveled in the complaint are omnibus, exaggerated and devoid of specific particulars. The petitioner is husband of the complainant and the dispute between the parties primarily arises out of matrimonial differences. The petitioner has been languishing in judicial custody since 13.04.2026 and has already undergone substantial detention. His further incarceration would serve no useful purpose, particularly, when investigation/trial is likely to take considerable time. The petitioner undertakes to cooperate with the trial and shall remain present before the Ld. Court on each and every date fixed in the case. The petitioner has no criminal antecedents. Therefore the present petition may be allowed.

On the other hand, Ld. Addl. P.P appearing on behalf of the State opposed the prayer for bail.

Heard submissions made at bar and perused the case records of the present case. From perusal of the case records it appears that that the petitioner is in judicial custody since 13.04.2026. This court further finds that

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the petitioner is ready to cooperated in trial. Considering the submissions made at bar, period of custody as well as other facts and circumstances of the case no useful purpose would be served if the petitioner is allow to remain in judicial custody for long time. Considering the facts and circumstances in entirety the bail petition of abovenamed petitioner is **allowed**. The petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/ (ten thousand) with two sureties of the like amount each in connection with CR Case No. 278/22 to the satisfaction of the Ld. Court below subject to conditions as laid down u/s 437(3), 441 and 441(A) of the Cr.P.C.

(Dictated)

(Shiv Kumar)

Addl. Sessions Judge, Biraul

12.06.2026