

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42006 of 2024

Arising Out of PS. Case No.-356 Year-2023 Thana- KATEYA District- Gopalganj

Kishu @ Pooja Barnwal @ Pooja Kumari D/O Late Radheshyam @ Bhola
Barnwal R/O Village Bathua bazar, P.S. Phulwaria, Distt-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Naresh Prasad, Adv.

For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 14-08-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with
Kateya P.S. Case No. 356 of 2023 registered under Sections 365
and 494 of the Indian Penal Code.

3. As per the F.I.R., allegation against this petitioner is
that she indulged in extra-marital affair with husband of
informant namely Ramesh Mishra and used to send indecent
chats and messages on his what's app number and also induced
him to live-in-relationship with her. It is further alleged that
husband of informant left his house by taking advantage of
darkness, and thereafter, he is traceless.

4. Learned counsel appearing on behalf of the petitioner
submits that petitioner is innocent and has committed no offence



as alleged in the F.I.R. As a matter of fact, the father of the petitioner had solemnized second marriage with Gudia Devi and this petitioner is sole daughter of first wife namely Lalpari Devi. The father of the petitioner died, and thereafter, the son and the daughter of her step mother started quarrel for the property, for which, the petitioner filed an informatory petition before the learned C.J.M., Gopalganj on 16.08.2021 against them. It is not the case of informant that this petitioner kidnapped the husband of informant or solemnized second marriage with him, and as such, no case u/s 365 and 494 of I.P.C. is made out. By way of supplementary affidavit, learned counsel for the petitioner submits that husband of informant is not traceless, although he is also accused in this case and he filed A.B.P. No. 2465 of 2023 which was finally heard by learned Additional Sessions Judge-XII, Gopalganj and dismissed on 20.04.2024. Petitioner claims clean antecedent.

5. Learned A.P.P. for the State opposed the prayer for bail.

6. Having considered the facts and circumstances of the case, let the above named petitioner be released on bail, in the event of arrest or surrender before the learned court below within a period of six weeks from today, on furnishing bail bond



of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Gopalganj in connection with Kateya P.S. Case No. 356 of 2023, subject to the conditions as laid down under Section 438(2) of the Cr. P.C.

(Prabhat Kumar Singh, J)

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