

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73976 of 2024

Arising Out of PS. Case No.-80 Year-2023 Thana- KATIHAR COMPLAINT CASE District-
Katihar

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Tapesh Kumar Paswan S/o- Late Maheshwar Paswan Resident of Village-
Balthi Maheshpur PO- Balthi Maheshpur PS- Kursela, Dist- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Rubi Devi W/o- Tapesh Kumar Paswan, D/o- Kamrukh Paswan R/o-
Rahuwa Ramaniya Ps- Gaigor Dist- Khagaria, P/A- Village- Balthi
Maheshpur PO- Balthi Maheshpur PS- Kursela, Dist- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Narayan Yadav, Advocate
For the State	:	Mr. Braj Kishore Prasad, APP
For the O.P. No. 2	:	Mr. Suresh Prasad Sah, Advocate

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 22-01-2025 Heard Ld. counsel for the petitioner, Ld. APP for the

State and learned counsel for the O.P. No. 2.

2. The petitioner seeks bail, apprehending his arrest,

in connection with Complaint Case No. 80 of 2023, filed for the

offences punishable under Section 498A of the Indian Penal

Code.

3. As per the allegation, the marriage between the

informant/wife and the petitioner/husband was solemnized 14

years back and one daughter and three sons were born out of the

wedlock. It is further alleged that the petitioner has married his

widow bhabhi and ousted the informant from his matrimonial



home.

4. Ld. counsel for the petitioner submits that the Petitioner is innocent and has falsely been implicated in this case. He further submits that as a matter of fact, he has not married his bhabhi. Due to death of the petitioner's brother, he is taking care of the children of his brother which is not to the liking of the complainant/wife and hence, the present false case has been filed. He also submits that the complainant is doing a government job in a school as a Cook.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the bail petition that the petitioner has no criminal antecedents.

7. However, Ld. APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. From the alleged facts and circumstances and rival submissions of the parties, it appears that there is matrimonial discord between the parties and the better course for the parties is to move Family Court to adjudicate their disputes.

9. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioner, above-named,



to be enlarged on bail, in the event of his arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Ld. Sub-divisional Judicial Magistrate, Katihar, in connection with Complaint Case No. 80 of 2023, subject to the conditions as laid down under Section 438 (2) Cr.P.C. and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedents, Ld. court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioner.

(Jitendra Kumar, J.)

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