

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82299 of 2024

Arising Out of PS. Case No.-1556 Year-2023 Thana- KATIHAR COMPLAINT CASE
District- Katihar

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Sonelal Besra S/o Late Mangal Besra R/o Village- Gera Tola Terasi, P.S.-
Barari, District- Katihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. Geeta Devi W/o Sonelal Besra R/o Village- Gera Tola Terasi, P.S.- Barari,
District- Katihar. Presently residing at Turshi Narayanpur, P.S.- Korha,
District- Katihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Bhola Prasad
For the State	:	Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

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| 3 | 19-04-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State. No one appears on behalf of the Opposite Party No. 2 despite valid service of notice.2. This application, for grant of anticipatory bail, arises out of C. A. No. 1556 of 2023, in which cognizance has been taken for the offences punishable under Section 498-A of the Indian Penal Code.3. The prosecution case, as per the complaint petition, is that the marriage of the petitioner and the Opposite Party No. 2 was solemnized in the year 2006 and three children were born out of their wedlock. It has been alleged that |
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the petitioner has taken a loan of Rs. 1,00,000/- and the Opposite Party No. 2 was said to repay the loan amount and due to non-payment of the loan amount, the Opposite Party No. 2 was tortured by the petitioner and others and they ousted the Opposite Party No. 2 from her matrimonial home. The complainant further alleged that the petitioner performed second marriage with co-accused Talamai Soren.

4. Learned Counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case due to malicious intention of the Opposite Party No. 2. He further submits that the Opposite Party No. 2 left her matrimonial home out of her own will and she is residing with on Ratan Rishi. He further submits that there is general and omnibus allegation against the accused persons and he marriage was of the year 2006 and three children, born out of their wedlock, are living with the petitioner. He further submits that the petitioner is ready to live with the Opposite Party No. 2 as husband and wife if the Opposite Party No. 2 leaves said Ratan Rishi.
5. Regards being had to the submissions advanced on behalf



of the parties and taking into consideration the fact that the marriage was solemnized between the parties in the year 2006, three children born out of their wedlock are living with the petitioner, allegation against the petitioner is general and omnibus in nature, despite valid service of notice, the Opposite Party No. 2 chose not to appear in this case and the petitioner is ready to live with the Opposite Party No. 2, I am inclined to grant the petitioner privilege of anticipatory bail.

- 6. This application is, accordingly, allowed.
- 7. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within a period of four weeks from today, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Chief Judicial Magistrate, Katihar, in connection with C. A. No. 1556 of 2023, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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