

**IN THE COURT OF SESSIONS JUDGE,
KAIMUR AT BHABHUA
(ABP No. 592/2026/ Filing No. 2591/2026)**

In re:

1. Bablu Paswan, aged 40 years,
S/o Dev Murat Paswan,
2. Dev Murat Paswan, aged 60 years,
S/o Late Dudul Paswan,
3. Rajmuni Devi @ Mangari Devi, aged 57 years,
W/o Dev Murat Paswan,
All R/o Vill-Sonabarasa, P.O.- Khajura, P.S-Belaon, Dist-Kaimur (Bhabua)

V/s
STATE

FIR No: 74/2024
P.S : Bhagwanpur
U/s:498(A),323,341,376,379,
504,506,34 IPC
Date Of Order:11.05.2026

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1. Heard Sri Mahendra Tiwari, learned counsel appearing on behalf of the accused/petitioners and Sh. Sachidanand Rai, learned P.P. for State.
 2. This is a complaint based FIR. As per complaint petition the case of the complaint is that the complainant was married with petitioner Bablu Paswan 21-22 years ago and out of the said wedlock the complainant has four children. It is further alleged that the husband of the complainant developed illicit relation with a lady namely Shilwanti Devi who was wife of predeceased brother of the complainant and thereafter the husband of the complainant deserted the complainant from his house and thereafter Sanjay Paswan the younger brother of her husband committed rape on complainant and accused Arjun Paswan, the husband of the sister-in-law of the complainant also attempted to commit rape and when he started weeping the in-laws of the complainant assaulted him and snatched away her earrings and cash of Rs. 10000/- and ousted her and her children from the house.
 3. Ld. Counsel for the petitioner moved the bail petitions for hearing filed in compliant case for the offences under Sections 498A, 323, 341, 376, 379, 504, 506, 34 IPC, however, the ld. Advocate for the petitioner submitted that after considering the ma-

terial available on record the ld. Magistrate has not taken cognizance for the offences under Section 376 and 379 of IPC rather, cognizance has been taken under Section 341, 323, 498A, 504, 506, 34 IPC only and further submitted that the case is registered by his wife in collusion with the person named in para no. 7 of the bail petition with whom she is living adulterous life and has filed the present case against the petitioners. The Ld. advocate further submitted that the petitioners were granted benefit under Section 41A of the Cr.P.C. during investigation and only non-bailable under Section in the present case is 498A of the IPC. The ld. Advocate further submitted that notice was served to the informant but she has not appeared, however, informant/complainant is none else but the wife of the petitioner/accused. Petitioners have stated in para 2 of their bail petition that no other bail petition, either anticipatory or regular has been filed/pending except this, either in this court or before Hon'ble High Court at Patna.

4. The ld. Public Prosecutor submitted that the accused/petitioner was given benefit of 41 Cr.P.C. and he has no apprehension of his arrest by the police as charge sheet has already been filed in the case and cognizance has already been taken by the Ld. Magistrate.
5. Considering the facts and circumstances as reveals from the FIR and the fact that no cognizance has been taken under Sections 379, 376 is taken by the Ld. Magistrate vide order dated 23.09.2025 and submission of the petitioner that his wife is leading an adulterous life and the present case is lodged at the instance of her paramour further, as the cognizance has taken under section 341, 323, 498A, 504, 506/34 IPC only. As per submission of ld. Advocate that on receiving summons they have apprehension of being sent under judicial custody by the Ld. Magistrate, therefore, filed the present anticipatory bail petition.
6. Considering the submissions and materials available on record and the fact that the accused/petitioners were granted benefit under Section 41A of Cr.P.C. during investigation and the Ld. Magistrate has not taken cognizance under Section 379 and 379 of IPC and the only section which is not bailable is for the offence under section 498A of IPC only, the accused/Petitioners on their appearance before the Ld. Magistrate or in the event of their arrest, they shall be released on bail on their furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each under Section 437 (3) of the Cr.P.C. corresponding to section 480/482 of the BNSS. (Dictated)

Sd/- Baljinder Pal
Sessions Judge I/C