

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75912 of 2018**

Arising Out of PS. Case No.-25 Year-2018 Thana- MAHILA P.S. District- Muzaffarpur

Ashwini Kumar @ Ashwani Kumar, S/o Jitendra Kumar R/o Vill-
Jagarnathpur Bishanpur,P.S. Sakra,Distt.-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State Of Bihar,
2. Anshu Kumari, D/O Bhirgunath Mishra, Resident of village-Budh Nagar,
P.S. Mushahari, District-Muzaffarpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anish Kumar, Advocate
For the O.P. No.2	:	Mrs. Manisha Singh, Advocate
For the Opposite Party/s	:	Mr. Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

7 20-08-2019 Heard leaned counsel appearing on behalf of the
petitioner, learned counsel appearing on behalf of O.P. No. 2
and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection
with Mahila P.S. Case No. 25 of 2018, registered under Section
365, 376 and 506/34 of the Indian Penal Code, pending in the
court of the Sub-Judge-VII-cum-A.C.J.M, Muzaffarpur.

The accusation is that informant had gone at the
house of her cousin sister at Samastipur to attend birthday
ceremony, where this petitioner was present and in course of
talking, he took her mobile number. Thereafter, petitioner used
to visit at L.S. College, Muzaffarpur. On 14.04.2017, when she
get down from the tempo at Jail Chowk then she saw petitioner



there on Bolero vehicle and he offered to leave her at college, but, in the way, she took cold drink, which was brought by the petitioner, and become unconscious and when she regained her consciousness then found herself in Patna. Thereafter, informant asked the petitioner to go to her parental house, but petitioner showed her several obscene photographs and video and on that very basis, he gave threatening for viral of the said obscene photographs and video on the internet and committed rape upon the informant. On 14.05.2017, she was taken on Lalit Narayan Tirhut College for appearing in examination. When she entered in the examination hall, she called to her father by taking mobile phone from other student, where her father and brother came and, anyhow, took her from the examination hall. Thereafter, she narrated the incident to her family members, but due to prestige the F.I.R. could not be lodged. Further allegation is that petitioner used to give threatening to her parents and, subsequently, he flashed her obscene photographs at the facebook.

Learned counsel appearing on behalf of the petitioner submits that, in fact, due to love affairs informant went with the petitioner and developed physical relation with him, but, when she returned to her house under the pressure of



her parents, she lodged the present case after more than one year. Further submission is that at the time of occurrence, the informant was major. The petitioner has no criminal antecedent.

Having considered the facts and circumstances of the case and the nature of allegation against the petitioner, I am not inclined to grant anticipatory bail to the petitioner. Accordingly, his prayer for grant of anticipatory bail stands rejected.

(Rajendra Kumar Mishra, J)

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