

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29064 of 2021

Arising Out of PS. Case No.-90 Year-2020 Thana- MAHILA P.S. District- Patna

SHARWAN KUMAR @ SHRAWAN KUMAR, aged about 30 yrs., Male,
S/O Ramdeo Sahani, Resident of Kaushal Nagar, Off Polo Road, Near
Pollutery Farm, Qr. No. 114, P.O.- G.P.O., P.S. - Hawai Addan, District -
Patna.

... .. Petitioner/s

Versus

The State of Bihar and Anr.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Mr.Ashok Kumar Varma, Advocate
For the Opposite Party/s	:	Mr.Tarkeshwar Nath Thakur, Advocate
For the informant	:	Mr. Sati Ranjan Jamaiyar, Advocate

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 21-10-2021 Heard the parties.

The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 498A, 313, 420, 504, 506/34 of the Indian Penal Code.

Allegation against the petitioner is to have established physical relation with informant for last many years on promise of marriage. It is further alleged that petitioner put vermilion and *Mangal Sutra* in Mahabir Temple but subsequently refused to accept her as his wife. It is further alleged that during the intimacy between the petitioner and the informant, the petitioner took objectionable photographs of the informant and, thereafter, petitioner blackmailed her and on

one pretext or the other, avoided to solemnize marriage with informant.

It is further alleged that informant became pregnant and was compelled to abort on assurance given by petitioner to marry her but even after three years of service in police, he did not marry her and thereafter petitioner refused to marry informant and threatened her that he will make her video viral.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. Petitioner and informant reside in the same *Mohalla* and when petitioner got the service in Bihar Police, informant started pressurizing petitioner to marry her. All allegations levelled against petitioner is false, fabricated and concocted as informant herself has alleged that petitioner refused to marry her, as such, no offence under Sections 498 A is made out. It is further submitted that even for the sake of argument, the allegations made in FIR is presumed to be true, same will not constitute any criminal offence, as both are major and it was a consensual relation. Petitioner has no criminal antecedent.

Informant has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of

the case, let the petitioner named above be released on anticipatory bail, in the event of his arrest or surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Mahila P.S. Case No.90/2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

(S. Kumar, J)

Sanjay/-

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