

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14602 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- MAHILA P.S. District- Nalanda

KAUSHAL MISTRI @ KAUSHAL KISHORE S/O MAHENDRA MISTRI
R/O VILLAGE-SAHOKHAR, P.S-SOHSARAI, DISTRICT-NALANDA AT
BIHARSHARIF.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate
Mr. Dilip Kumar Roy, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 04-01-2022 Heard Mr. Manoj Kumar Pandey, learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in anticipation of his
arrest in connection with Mahila P.S. Case No. 102 of
2020 dated 25.08.2020 instituted for the offences under
Section 376 of the Indian Penal Code and Section 67 of
the Information Technology Act.

The accusation in the FIR is of confining the
victim lady for months together and subjecting her to
sexual intercourse. There is further allegation of



capturing such sexual acts between the two and posting it on social media.

The learned counsel for the petitioner has submitted that the accusation is unbelievable for the reason that a woman cannot be kept in confinement for one month without being noticed.

The other ground raised on behalf of the petitioner is that the victim has now stated in her 164 Cr. P.C. statement that she did not file any case against anybody, much less the petitioner.

There is nothing on record for this Court to know the reason for the implication of the petitioner in such false way in the first instance.

Learned counsel for the petitioner further submits that the victim now does not wish to prosecute the petitioner any further.

Notwithstanding the aforestated facts, I am not inclined to grant anticipatory bail to him in view of the allegations made in the FIR.



The prayer for anticipatory bail is rejected.

Should the petitioner surrender before the court below and seek bail, the court below shall find out whether there has been any attempt to tamper with the evidence or silence the prosecutrix under threat, duress or coercion and only after being satisfied about the actual state of affairs, orders shall be passed in accordance with law without being prejudiced by the fact that the present petition on his behalf has not been entertained.

(Ashutosh Kumar, J)

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