

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8314 of 2022

Arising Out of PS. Case No.-338 Year-2021 Thana- GANDHIMAIDAN District- Patna

HARSH RANJAN S/O SRI GANESH SHARMA R/V- WARD NO. 8,
MAIASTHAN ROAD, MARIPUR, MUZAFFARPUR MARIPUR
OVERBRIDGE ROAD, BHAGWANPUR, P.S.- KAJI MOHAMMADPUR,
DISTT.- MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Vijay Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Vinay Ranjan, Advocate Mr. Raju Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 17-10-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

The petitioner apprehends his arrest in a case
registered for the offences punishable under Sections 376(D)
and 506 of the Indian Penal Code.

The case depicts a sorry state of affairs, rape is easy to
allege, difficult to prove but then stigma remains even after
acquittal of the accused, as such whenever a case relating to
rape is to be considered, the facts have to be appreciated in its
correct perspective.

Learned senior counsel for the petitioner submits that
petitioner is a person with clean antecedent and the informant



alleges that she was staying at K Square Hotel but petitioner was pressurizing her to shift to room number 512 at Hotel Panache on the pretext that all the artists have left hence in the morning it will be difficult to go to the station as there would be no one to drop her, it is next alleged that believing the petitioner, she shifted to Hotel Panache where brother of the petitioner was present from before, it is next alleged that at 12:30 AM petitioner and Vikrant Kejriwal came in the room and after talking normally for sometimes, started consuming liquor, further they even asked her to drink but she refused. It is further alleged that at 2:15 am Vikrant went out of the room and the petitioner was alone in the room with the informant and then the petitioner disclosed that his wife is three months' pregnant and thus asked her to physically satisfy him but she refused on which petitioner forcibly raped her and thereafter called Vikrant, it is next alleged that when she tried to contact her husband, they forcibly snatched her mobile and even tried to put liquor in her mouth but she did not drink, it is further alleged that thereafter Vikrant also committed rape, thereafter the accused persons dropped her to railway station and got an i-Pill tablet and gave the same to consume and threatened not to disclose the occurrence to anyone.



Learned senior counsel for the petitioner submits that on the face of it, the allegation appears to be heinous and barbaric but then when the case is examined in its correct perspective, it creates a doubt with regard to the veracity of the allegations as alleged in the FIR, it is further submitted that if a woman is raped by two persons, against her wish, one can very well visualize the trauma through which she goes. It is further submitted that the subsequent conduct of the informant does not inspire confidence in the allegation as she subsequently had filed a petition in the learned trial court wherein she retracted from her earlier version by stating that Vikrant Kejriwal had not raped her, which is part of the supplementary affidavit and is on record.

Learned senior counsel for the petitioner further submits that petitioner is the owner of King Media Entertainment, Muzaffarpur and he had called the informant for a program to be hosted at Hotel Panache, accordingly the informant had come to participate in the said function based on the agreement entered with the company, it is next submitted that the room in Hotel Panache was booked in the name of petitioner and not in the name of informant, it is thus submitted that petitioner was well aware of the fact that if any occurrence



of the nature as alleged in the FIR would take place then it would be the petitioner who would be creating evidence against himself as the room in Hotel Panache was in his name, it is also submitted that since the informant was staying at K Square Hotel she herself wanted to come to Hotel Panache as the program was to be held there.

Learned senior counsel for the petitioner next submits that initially, the informant after leaving Patna and reaching Kolkata had instituted an FIR at Jadhavpur P.S. wherein her medical was also conducted but the medical report does not even remotely suggest rape, it is next submitted that thereafter the said case was transferred and the present FIR came to be instituted. Learned senior counsel next submits that if what has been alleged is true then definitely the offence is serious but the subsequent conduct of the informant was such that it could not even be remotely suggested that such a heinous act was committed with the informant. Learned senior counsel draws the attention of the Court to paragraph '18' of the anticipatory bail application to submit that the informant hosted a *sangeet* event in Hotel Panache on 02.07.2021 and thereafter she posted her experience of the wedding *sangeet* event conducted for Agrawal and Jhunjhunwala Family on 07.07.2021 as would be evident



from Annexure-3 to the anticipatory bail application and thus it is submitted that if such an occurrence had taken place then definitely the informant would not have been in a position to post such posts, thereafter the learned senior counsel draws the attention of the Court to paragraph '19' of the anticipatory bail application and submits that on 11.07.2021 the informant again posted about her feelings for rain dance and foam dance on client's demands at Rourkela Smart City, thus it is submitted that had the informant been depressed or tormented, then she would not have performed rain dance and foam dance at Rourkela Smart City on 11.07.2020 as is evident from her Facebook post (annexure-4). Learned senior counsel further draws the attention of the Court to paragraph '28' of the case diary wherein the Investigating Officer had investigated the CCTV footage and had recorded his observation wherein he has stated that he saw Vikrant and petitioner coming out and thereafter the informant came out with a purse in her hand, learned senior counsel next submits that even in the CCTV footage there is nothing which could even remotely suggest that the informant was tormented or was feeling fearful or was depressed on account of such heinous occurrence. Thereafter the learned senior counsel draws the attention of the Court to



paragraph '21' of the anticipatory bail application to submit that on 21.07.2021, the informant had performed in Kathmandu at Ahluwalia's wedding and had shared picture on her Facebook account which also goes to falsify the allegation of rape.

Learned senior counsel for the petitioner further submits that even the wife of the petitioner had petitioned the SSP, Patna; IG, Patna and ADG, Law and Order requesting them to hold a fair investigation so that an innocent person does not get implicated but then the authorities remained silent and chose not to act upon the representation of his wife, learned senior counsel in a lighter vein submits that had a petition been filed before the SSP, Patna; IG, Patna and ADG, Law and Order bringing to their notice with respect to some liquor case then either they would have personally visited the place or would have taken prompt action but in serious offences, they chose to remain silent.

Learned A.P.P. for the State and learned counsel for the informant oppose the prayer for anticipatory bail of the petitioner but are not able to meet the submissions of the learned counsel for the petitioner that the medical report of the informant does not corroborate rape and the subsequent conduct of the informant, as aforesaid, also negates the allegation of rape



and that the informant herself subsequently has filed a petition that Vikrant Kejriwal did not commit rape which further weakens the allegations as alleged in the FIR.

Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Gandhi Maidan P.S. Case No. 338 of 2021 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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