

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9444 of 2022

Arising Out of PS. Case No.-439 Year-2021 Thana- GHORASAHAN District- East
Champaran

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SUNNY KUMAR Son of Vishwanath Prasad Resident of Village-
Ghorasahan, P.S.- Ghorasahan, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Anuj Kumar, Advocate
For the Opposite Party/s	:	Mr. Akhileshwar Dayal, APP
For the Informant	:	Mr. Nishant Kumar Sinha, Advocate
	:	Mr. Santosh Kumar, Advocate
	:	Mr. Arvind Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 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 420, 376,
323, 379, 504, 506 and 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is a person with clean antecedent and the informant
alleges that she and petitioner are neighbour and had an affair
for the last 20 years, it is further alleged that petitioner was
establishing physical relation with the informant for the last 20
years on the pretext of marriage, further when the informant
used to refuse, the petitioner assaulted her and used to force



himself upon her, it is further alleged that because of physical relation the informant twice became pregnant but the petitioner aborted her by giving drugs against her wishes, it is also alleged that in the meantime, the informant went to Delhi when the petitioner used to pressurize her for online sex, further threatened her to implicate in a false case, thereafter it is alleged that in February 2018, the petitioner established physical relation with the informant in a house situated at Patna as detailed in the FIR by keeping her in confinement, but the informant somehow managed to escape and went to Delhi, it is further alleged that in 2018, the petitioner was appointed with the Bihar Police and when the informant asked him to marry her to which the petitioner and his family members refused, it is further alleged that thereafter petitioner got married with another girl and took the informant's laptop, mobile, jewellery and withdrew Rs. 2 lakh from her account.

Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the case has been instituted with a malicious intention to defame the petitioner, it is next submitted that no doubt petitioner and the informant might have been in love and may have entered into physical relation but then the relationship



was between two consenting adults, it is next submitted that as far as allegation of entering into sexual relation based on promise of marriage is alleged the same stands falsified for the reason that no woman would wait for a man for 20 years and keep indulging in sexual relation, it is also submitted that getting appointment is not in hand of a person, it depends on several factors and circumstances. The learned counsel for the petitioner submits that it was only after the petitioner got selected in the Bihar Police that the present false case came to be instituted as from the tenor of allegation as alleged in the FIR, it would manifest that in the year 2018 the informant alleges that she was confined at a place in Patna as detailed in the FIR, where the petitioner forcefully raped her and from there she managed to escape but still she did not institute an FIR and the present FIR came to be instituted in the year 2021 i.e., nearly more than three years after the occurrence, the learned counsel for the petitioner next submits that delay in instituting the FIR is a ground for considering bail application of an accused and in the present case admittedly the FIR has been instituted after a delay of 20 years.

Learned A.P.P. for the State and learned counsel for the informant opposes the prayer for anticipatory bail of the



petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that admittedly there is an inordinate delay in instituting an 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 trial court 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 trial court where the case is pending/successor court in connection with Ghorasahan P.S. Case No. 439 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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