

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24500 of 2022

Arising Out of PS. Case No.-31 Year-2022 Thana- ARA NAWADA District- Bhojpur

ABHISHEK TIWARY S/o Om Prakash Tiwary Resident of Village- Gorhara
Road, P.S.- Arrah Nawada, District- Bhojpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Awadhesh Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-09-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered for the offences punishable under Section 376 of the Indian Penal Code.

The informant alleges that petitioner on pretext of marriage established physical relation with the informant several times at various places as detailed in the F.I.R., it is next alleged that petitioner had performed his marriage with the informant at Ayush Hotel, Bihari Lal Mill.

Learned counsel for the petitioner submits that the petitioner has antecedent of one case and he has been falsely implicated in the present case, it is next submitted that as far as allegation of performing marriage with the petitioner is alleged,



the same is false and concocted as neither any date/time nor any evidence has been brought on record to even remotely suggest that petitioner had married the informant nor there is any footage of the marriage captured by the CCTV of the said hotel in which the marriage is alleged to have taken place. Learned counsel further submits that petitioner is a criminal reporter and he reports in various newspapers and it appears that at the behest of his enemies he has been falsely implicated in the present case, it is further submitted that prior to filing of the present F.I.R., the petitioner had given a loan of Rs. 62,000/- to the father of the informant which he was asking and perhaps for that reason, the present false case came to be instituted. Learned counsel for the petitioner further submits that petitioner had apprehension that he might get implicated in a false case of rape for which he had approached the local police, thereafter it is submitted that it may be a possibility that since petitioner was reporting against the police as such the police in connivance with the informant might have implicated him falsely in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner and submits that submissions of the learned counsel for the petitioner appears to be



dichotomic and at variance, it is next submitted that at one instance it has been submitted that because of loan given by the petitioner to the father of the informant, the present false case was instituted and then it was the submission of the learned counsel for the petitioner that since petitioner is a criminal reporter and he reports against the police as such there may be a possibility that police in connivance with the informant implicated him falsely in the present case. Learned A.P.P. further submits that from perusal of the allegation as alleged in the F.I.R. it would manifest that petitioner and the informant were known to each other and on false promise of marriage, the petitioner sexually exploited the informant and that perhaps explains the reason why dichotomic stand is being taken in the Court with respect to false implication as aforesaid.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to extend privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is thus rejected.

(Satyavrat Verma, J)

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