

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47791 of 2021

Arising Out of PS. Case No.-97 Year-2020 Thana- MAHILA P.S. District- Bhojpur

Shambhu Yadav @ Shambhu Nath Yadav Son Of Gorakh Nath Yadav
Resident Of Village - Sohrabpur , P.S.- Mohamdabad Kohna, Distt.- Mau
(Uttar Pradesh).

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Shiv Prasad Gupta
For the Opposite Party/s :	Ms. Madhuri Lata
	Mr. Pankaj Kumar Singh
	Mr. Jai Prakash Singh

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 24-01-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State through
video conferencing.

The petitioner seeks bail in connection with Mahila P.
S. Case No.97 of 2020, instituted for the offences under
Sections 406, 376, 354C, 354, 120B of the Indian Penal Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 14.03.2021, he is a person with
clean antecedent and charge-sheet has been submitted in the
case.

The learned counsel for the petitioner submits that the
informant Punam Devi aged about 45 years, a widow, alleges



that in the Year 2018, she had gone to Buxar and while returning, she took a lift in a pick-up van of which the petitioner was the driver and he cunningly obtained her mobile number and thereafter, became regular in chatting with the informant and gradually tempted the informant to visit place with him in month of May, 2018 and also made physical relationship on pretext of marriage. It is further alleged that that the accused/petitioner never arranged meeting of the informant with his parents and further, he promised of staying together at Ara after constructing his own house and even duped the informant of Rs.7,00,000/- and the informant even deposited Rs.50,000/- in his account. Later, the petitioner changed his mind and even stopped taking phone and also misbehaved with her and accordingly, the complaint case came to be instituted based on which the present F.I.R. was lodged.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged in the F.I.R., it would manifest that whatever happened, it happened between two consenting adults, the learned counsel further submits that the informant was well-aware of the fact that petitioner was aged about 35-36 years at that point of time was married. Since the informant was in a company, as such, she willingly accepted the



friendship of the petitioner. The learned counsel submits that it absolutely does not stand to reason that even if the petitioner, as alleged, cunningly obtained her mobile number then why the informant started talking/ chatting with him when he made phone call, this amply demonstrates that it was the informant, who made it easy for the petitioner to come close to her.

The learned counsel further submits that it absolutely does not stand to reason that whatever happened as per F.I.R., it happened in the Year 2018 and the complaint came to be instituted in the Year 2020. The learned counsel, thus, submits that taking the allegation in its totality, it only reflects that the two consenting adults came together, stayed together and thereafter, the present false case came to be instituted.

The learned counsel for the informant as well as learned A.P.P. for the State opposes the bail application. The learned counsel for the informant submits that the informant was cheated by the petitioner and further submits that informant is aged in between 45-50 years and as such, she believed that the petitioner will marry her, but is not able to meet the submission of learned counsel for the petitioner that even if cunningly the petitioner had obtained the mobile number of the informant then why she started chatting why she went out in the



Year 2018 then why complaint case came to be instituted in 2020.

Considering the fact that the petitioner is in custody since 14.03.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case, the petitioner, above-named, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Bhojpur at Ara in connection with Mahila P. S. Case No.97 of 2020, subject to condition that one of the bailors shall be the wife of the petitioner.

The application stands allowed.

(Satyavrat Verma, J)

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