

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53528 of 2021

Arising Out of PS. Case No.-187 Year-2021 Thana- ARA NAGAR District- Bhojpur

Birbal Kewat Son Of Kesho Chaudhary Resident Of Village- Raghu Tola,
P.S.- Ara Nagar, District- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Bhavesh Kumar
For the Opposite Party/s :	Mr. Umesh Lal Verma
	Mr. Jata Shankar Jha
	Mr. Suraj Narain Yadav
	Mr. Tarakant Rishi
	Mr. Masoom Alam

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 14-02-2022 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 Ara Town P. S. Case No.187 of 2021 arising out of Complaint case No.240 of 2021, instituted for the offences under Sections 376, 384 of the Indian Penal Code.

The learned counsel for the petitioner submits that the petitioner is in custody since 15.04.2021, he is a person with clean antecedent and charge-sheet has been submitted in the case.

The present F.I.R. arises from a complaint wherein the



informant alleges that she is a widow and having four children and her husband died two years ago and the petitioner, who is a friend of her husband used to visit and sympathized with her and then, he entered into physical relation with her forcibly and continued to establish physical relation against her will on the pretext of making video viral. It is further alleged that informant disclosed the said fact to her father, who tried to reason with the petitioner, but he refused to pay heed. It is further alleged that the petitioner demanded Rs.2,00,000/- from the informant and threatened to continue with the relation was or else the video will be made viral.

The learned counsel for the petitioner submits that from perusal of the allegation as alleged, it would manifest that the petitioner and the informant were in relationship and that too physical. Though, it is alleged that the relationship was forceful, but then the F.I.R. was not instituted when the occurrence took place for the first time. The learned counsel further submits that the informant has tried to make out a case by alleging that she was under constant threat that the petitioner would viral the video, but no video during the course of investigation was seized by the police nor any video was made viral. The learned counsel further submits that if the informant was afraid that the



video would become viral and because of that she remained silent then how after nearly two years of their relationship, she gathered strength to lodge the present case which amply demonstrates that the informant was not afraid of any video as she was knowing that there is no video. The learned counsel further submits that basically it was a consensual relationship between consenting adults and when the relationship soured the present false case came to be instituted.

The learned counsel for the informant as well as learned A.P.P. for the State vehemently opposes the bail application and submits that the informant had earlier gone to the police station for instituting an F.I.R., but the police refused, as such, the complaint was filed based on which the present F.I.R. came to be instituted. The learned counsel further submits that petitioner forcefully entered into physical relation, but both are not able to meet the submission raised by the learned counsel for the petitioner as recorded hereinabove.

Considering the fact that the petitioner is in custody, he is a person with clean antecedent, charge-sheet has been submitted in the case and taking into consideration the submissions of the learned counsel for the petitioner, 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 C.J.M., Bhojpur, Ara in connection with Ara Town P. S. Case No.187 of 2021 arising out of Complaint case No.240 of 2021.

The application stands allowed.

(Satyavrat Verma, J)

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