

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50023 of 2022

Arising Out of PS. Case No.-242 Year-2022 Thana- BUDDHACOLONY District- Patna

SUDHENDU RANJAN Son of Shri Dev Narayan Mandal Resident of
Mohalla - Flat No. 3/A, Khushi Kutir, Sri Krishna Nagar, P.S.- Sri Krishna
Nagar, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Binod Singh, Advocate

For the Opposite Party/s : Mr. Satyendra Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 25-11-2022 Heard learned Senior counsel for the petitioner and
learned A.P.P. for the State through virtual Court proceedings.

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

The informant alleges that she was a tenant in the
house of the petitioner, further petitioner told her that he had
divorced his wife and will marry her, the informant believed
him, thereafter, petitioner established physical relation on
account of which she became pregnant, but the petitioner used to
mix medicine in coconut water and used to make her drink for
aborting the child, thereafter, took her to a doctor and got her
DNC done.



Learned Senior counsel for the petitioner submits that the petitioner is a person with clean antecedent and has been falsely implicated in the present case, it is next submitted that earlier petitioner was implicated in a case under Section 498 (A) of the Indian Penal Code read with Sections 3 and 4 of the Dowry Prohibition Act but subsequently was acquitted based on a compromise arrived with his wife, it is further submitted that petitioner and his wife are leading a happy and a peaceful conjugal life, the informant being tenant of the petitioner was trying to usurp his property and as such falsely implicated that he had established physical relation on the ground that he is going to divorce his wife, it is also submitted that it does stand to reason that how a woman can so easily believe a man that he will divorce his wife and thereafter will marry her and based on such promise the informant became ready to establish physical relation. Learned Senior counsel next draws the attention of the Court to the supplementary affidavit to submit that earlier the present informant had instituted Kotwali P.S. Case No. 555 of 2018 Dated 22.08.2018 under Section 354(B) against Md. Munna, thereafter, she instituted Rampur P.S. Case No. 115 of 2020 Dated 25.03.2020 under Section 376 against Kumar Sushant, it is next submitted that the sister of the present



informant namely, Rinku Kumari @ Rashmi Bharti had instituted Muffasil P.S. Case No. 377 of 2019 Dated 10.08.2019 under Section 376 (d) of the Indian Penal Code read with Sections of 4 and 6 of the POCSO Act against Rahul, Sonu and Bablu as would be evident from Annexure - '1', '2' and '3' to the supplementary affidavit. Learned Senior counsel next submits and relies on Annexure – 4 Series to the supplementary affidavit to submit that the present informant along with her sister is in habit of instituting false cases which was widely reported in newspapers also. Learned Senior counsel thus submits that these days it has become rampant to falsely implicate a man merely by alleging that he had promised to marry, it is next submitted this perhaps explains as to why bail is the most sort after remedy in a Court of Law, it is further submitted that when liberty of a person is at stake based on such frivolous cases then bail is the only remedy to ensure that his liberty is not curtailed till a Court of competent jurisdiction adjudicate the allegations alleged, it is next submitted that if the petitioner is sent to custody presently and subsequently if he is acquitted of the charges then how his period of incarceration would be compensated and in the event, if the petitioner is convicted in the trial he will serve the sentence, this perhaps



explains the importance of bail. Learned Senior counsel thus submits that since this informant is in habit of instituting cases against innocent persons, as such, sending the petitioner to jail merely based on allegations as alleged which are only in realm of allegation would amount to travesty of justice more so when the allegations appears to be cryptic as the informant does not disclose even the name of the doctor where she was taken for her DNC, it is further submitted that the purpose of arrest becomes valid or genuine only when an accused evades law and thus interfere in the investigation but here the petitioner is willing to cooperate in the investigation as and when required by the investigating officer.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

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 Budha Colony



P.S. Case No. 242 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

Further, in the event, if the investigating officer of the case files an application before the learned trial bringing to its notice that the petitioner despite giving assurance to this Court that he will cooperate in the investigation is not cooperating or not appearing when called for the learned trial Court after giving an opportunity of hearing to the petitioner shall pass orders in accordance with law and will also have the liberty to cancel the bail bonds if required.

(Satyavrat Verma, J)

GauravSinha/-

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