

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11287 of 2023**

Arising Out of PS. Case No.-1392 Year-2022 Thana- SARAN COMPLAINT CASE District-  
Saran

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RAJA KUMAR @ RAJA SHARMA SON OF SADANAND SHARMA R/O  
MOHALLA- MAUNA HUSSE CHAPRA, NEHRU CHAUK, P.S.- CHAPRA  
TOWN, DISTT.- SARAN

... .. Petitioner/s

Versus

1. The State of Bihar
2. SARITA KUMARI D/O UMA PRASAD R/O MAUZA- PURVI MUHAN  
NAGAR, P.S.- CHAPRA TOWN, DISTT.- SARAN

... .. Opposite Party/s

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**Appearance :**

|                            |                                  |
|----------------------------|----------------------------------|
| For the Petitioner/s :     | Mr.Dr. Rajesh Kumar Singh, Adv.  |
| For the Opposite Party/s : | Mr.Md. Mushtaque Alam, APP.      |
|                            | Mr. Anuj Kumar Shrivastava, Adv. |
|                            | Mr. Raj Shekhar, Adv.            |

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**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN**  
**ORAL ORDER**

3      10-07-2023      Heard the parties.

The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 323, 342, 354(B), 379, 448, 427, 376, 504, 506/34 of the Indian Penal Code.

Allegedly, petitioner is said to have established physical relationship with the complainant at behest of marriage, but at the end, he did not solemnize marriage with her. Consequently, she got pregnant and got divorced from her husband. Having conspiracy with the petitioner, one co-accused, namely, Aditya Kumar Srivastava made attempt to kill the complainant as complainant refused to abort her child.



It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has committed no offence. No such occurrence as alleged ever took place. He has been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. It is further submitted that the petitioner helped the complainant when her husband ousted her from his house. The complainant took loan of Rs. 10,000/- from the petitioner with an assurance that she would return it after one month. But after one month, when petitioner asked her for his money, she filed this false case against the petitioner for saving her skin. Learned counsel for the petitioner relies upon the judgments of the Apex Court in the case of *Ansaar Mohammad Vs. The State of Rajasthan & Anr.* and in the case of *Mandar Deepak Pawar Vs. The State of Maharastra & Anr reported in Criminal Appeal No. 442 of 2022*. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Per contra, learned APP for the State as well as learned counsel for the complainant vehemently opposing the bail petition submitted that the allegations levelled against the petitioner is serious in nature, hence he does not deserve



anticipatory bail.

Considering the facts and circumstances of the case, as there is delay in filing the complaint case, the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned lower Court where the case is pending/successor Court in connection with Complaint Case No. 1392 of 2022, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

**(Anjani Kumar Sharan, J)**

divyanshi/-

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