

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18374 of 2023

Arising Out of PS. Case No.-145 Year-2022 Thana- MAHILA P.S. District- Patna

Prakash Kumar Paswan, Son Of Ganga Paswan R/O Village- Loyabad, P.O.-
Basanjora, P.S.- Loyabad, District- Dhanbad (JHARKHAND), At Present R/O
Village- Atiyama, P.S.- Ghosi, District- Jehanabad

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kundan Kumar
For the Opposite Party/s :	Mr. Satya Nand Shukla
	Mr. Chhote Lal Mishra
	Mr. Jyoti Prasad

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 4 18-08-2023 1. Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.
2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 376, 354(B), 406, 34 of the Indian Penal Code and
Sections 67/67(A) of the Information Technology Act.
3. The Investigating officer of the case in compliance
of the order dated 31.07.2023 is present.
4. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and informant
alleges that she was married to Rahul Ranjan in the Year 2019,
but on account of differences was staying apart from her
husband. It is next alleged that on 24.03.2021, she came in
contact with the petitioner, who works as a Clerk in Bihar



Vidhan Sabha. It is next alleged that she disclosed her marital status to the petitioner, on which the petitioner assured that he will marry her and also assured that he will get her appointed on the post of Sub-Inspector of Police. It is next alleged that on 09.08.2021, the petitioner brought her to Patna from Delhi on pretext of getting her admitted in Paying Guest (P.G.), but kept her in his rented room and all of a sudden, put vermilion on her forehead to which she objected on the ground that till date, she has not been divorced, but petitioner forcefully thereafter established physical relation and even took some obscene pictures of her. It is next alleged that based on obscene pictures, the petitioner started establishing physical relation regularly. It is next alleged that the petitioner even got her admitted in A. N. College and used to take her to different Centres during her exams and used to establish physical relation in hotel's room where they stayed, this lasted for nearly 18 months. It is next alleged that whenever she wanted to disclose to her family members, the petitioner used to stop her on the pretext that till date, divorce has not been granted. It is further alleged that petitioner demanded her original educational certificates along with Rs.20 Lacs for getting her appointed as Sub-Inspector of Police on the pretext that elder brother of Ranjit, his colleague,



manages appointment of Sub-Inspector. It is next alleged that thereafter, she gave ornaments worth Rs.12 Lacs, which she got in her marriage along with her educational certificates. It is next alleged that she talked to the elder brother and *Bhabhi* of the petitioner for marriage, who demanded Rs.25 Lacs by way of dowry to which petitioner also supported and thereafter, refused to marry. It is next alleged that the petitioner and his brother thereafter started posting her obscene pictures on Facebook.

5. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is next submitted that from bare perusal of the allegations as alleged in the F.I.R., it would manifest that informant is a married lady and thereafter, she came in relationship with the petitioner on her volition being a major. It is further submitted that though it is alleged that petitioner put vermilion on her forehead all of a sudden and thereafter, established physical relation, but then, that is not the truth. It is next submitted that it absolutely does not stand to reason that when petitioner was aware that informant is the married lady where was the occasion to put vermilion on her forehead posing that the marriage between them has been performed when informant had not obtained divorce. It is next submitted that from perusal of the



allegation as alleged in the F.I.R., it would manifest that there were marital discord between the informant and her husband and the relationship definitely was not happy on account of which, she came in contact with the petitioner and on their own volition, they entered into physical relationship and when the relationships soured, the present false case came to be instituted alleging that ornaments and educational certificates of her was kept by the petitioner and thereafter, dowry was demanded and the petitioner along with his brother started posting her obscene pictures on Facebook. It is next submitted that during the course of investigation, no proof of posting any obscene pictures of the informant on social media has transpired. It is next submitted that rather what has come in the investigation is shocking that the informant herself hacked the Whatsapp number of the petitioner and thereafter, sent her own obscene pictures on the Whatsapp number of her husband in order to malign the petitioner and at the same time, to implicate him falsely in the case.

6. It is further submitted that from perusal of the Para-198 of the case diary, it would manifest that the Investigating Officer of the present case had sought help of the cyber police and the cyber police after holding a threadbare investigation,



came to a considered conclusion that the Whatsapp number of the petitioner was hacked by the informant and thereafter, the obscene pictures were sent on the Whatsapp number of her husband i.e. it was the informant herself, who had sent her obscene pictures on the Whatsapp number of her husband. The learned counsel next submits that the Para-186 of the case diary records about the voice message of the informant while she was talking to her father, who inquired from her that as to how the obscene pictures were sent on the Whatsapp number of her husband to which she disclosed that she had sent the obscene pictures on his Whatsapp number. The learned counsel thus submits that in the nature of investigation, it can be very well submitted that this is how people are being falsely implicated in cases relating to rape on pretext of marriage.

7. The learned Additional Public Prosecutor based on instruction of the Investigating Officer, who is present in the Court, does not dispute the submissions of the learned counsel for the petitioner even remotely rather concurs with the submission with regard to the investigation.

8. The learned counsel for the informant vehemently opposes the anticipatory bail application, but is not able to rebut the submission of the learned for the petitioner that in the



investigation, it has transpired that it was the informant herself, who managed the entire occurrence as recorded herein above.

9. 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 Court below within a period of six weeks from today, 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, Patna in connection with Mahila P. S. Case No.145 of 2022, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

11. The Court sincerely appreciates the effort of the Investigating Officer of the case in investigating the case intelligently. The personal appearance of the Investigating Officer of the case is dispensed with.

(Satyavrat Verma, J)

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