

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19078 of 2022

Arising Out of PS. Case No.-155 Year-2021 Thana- PALIGANJ District- Patna

SITANSHU KUMAR @ SONU @ SITANSU KUMAR SONU S/o Sri
Papindra Paswan @ Krishan Murari Paswan @ Krishna Murari Paswan R/o
Village- Kalpa, P.S.- Kalpa, District- Jehanabad (Bihar) Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Manisha Singh, Advocate Ms. Roona, Advocate
For the Opposite Party/s	:	Mr.Chandra Bhushan Prasad, APP
For the Informant	:	Mr. Ajit Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 16-01-2023 Heard Mrs. Manisha Singh, learned counsel for the

petitioner duly assisted by Ms. Roona, Mr. Ajit Kumar, learned

counsel for the informant and Mr. Chandra Bhushan Prasad,

learned APP for the State who was on the last occasion

requested by the Co-ordinate Bench to assist in this matter.

The petitioner apprehends his arrest in connection
with Paliganj P.S. Case No. 155 of 2021 for the offence
registered under Sections 420, 406, 506, 504 and 354(B) of the
Indian Penal Code and Section 65 and 66 of the IT Act.

As per the FIR, the informant has alleged that while
she was visiting her maternal uncle's home to attend a '*tilak*', this
petitioner has made physical relationship with her and the same
was also video-graphed and later made viral. In between, her
allegation is that he had lured her to purchase a land for which
she also made her husband agreed to it and accordingly, he had



given Rs. 10 lakhs on different dates but even after lapse of two years, no registry was made and lastly, when the video was made viral in the name of one of her neighbour, Priyanka Sinha, she was forced to lodge this FIR.

Mrs. Manisha Singh, learned counsel for the petitioner submits that it is improbable that he is 26 years old man will make relationship with a 40 years old married woman and further it is other way round inasmuch as she wanted relationship to continue and failure to do so, she made the video viral and implicated him.

Learned counsel for the informant, on the other hand, while supporting the allegations that has been come in the FIR as also that her husband taken loan of Rs. 10 lakhs, paid to the petitioner and as the land could not be registered due to mental pressure, he died subsequently. The last submission is that the petitioner do not have any threat of being arrested as in March, 2022 itself he was taken into custody and produced before the Court of learned Sub-Divisional Judicial Magistrate, Danapur but was released on 22.03.2022 itself stating that in the absence of issuance of notice, the petitioner cannot be taken into custody. He as such, submits that there is nothing on record to show that subsequently, the notice has been issued necessitating



this petition.

Learned APP for the State, who subsequent to the last order passed by the Co-ordinate Bench had sat with the Investigating Officer and had gone through the videos relating to the informant and the petitioner has submitted that it was so obscene that he was unable to continue with it till the end.

Taking into account the kind of allegation as also the technical issue that has been submitted by the informant that the petitioner in the absence of any notice do not have any apprehension of being arrested for the present, this Court is not inclined to extend him any relief which is accordingly, rejected.

If however, situation so arises and the petitioner choses to surrender before the concerned Court, the learned Court will take into account all the documents that he may attach along with the bail petition and will consider the same and disposed it of without being prejudiced by any observation made by this Court.

(Rajiv Roy, J)

Jagdish/Neha/-

U		T	
---	--	---	--

