

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43897 of 2023

Arising Out of PS. Case No.-45 Year-2022 Thana- MAHILA P.S. District- Bhojpur

Sudhanshu Kumar @ Bablu @ Bittu @ Surya son of Sri Raj Mahal Yadav
Village- Budhnabir Ps- Bihiya Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends arrest in connection with Bhojpur Mahila P.S. Case No. 45 of 2022 dated 19.05.2022 instituted for the offence punishable under Sections 323, 504, 506, 376, 120(B), 420 of the Indian Penal Code.

3. The prosecution case, in short, is that the petitioner used to talk to the informant on mobile no. 7079319079, 8651249036 & 848983346 through his mobile no. 8830573326, 8002935310 & 9576033412, and on the pretext of marriage, he developed physical relation with the informant many times. In December 2021, the petitioner took the informant to his house situated at Bihiya, and developed physical relation with her, and the video of the same was recorded by his friend Priti Kumari



and Pappu Yadav. It is further alleged that the petitioner asked the informant to demand five lakh rupees from her parents, otherwise he will make the video public. Thereafter he posted the said video on Facebook. On protesting by informant, the petitioner beat her on 16.02.2022 at Vinayak Hotel and also snatched her mobile and threatened to kill her.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that the informant and the petitioner are distantly related to each other and used to meet at the house of maternal aunt (*Mausi*), and their marriage was fixed but due to some reason, the marriage could not be solemnized and thereafter allegation of physical relation has been made to falsely implicate the petitioner in the case. Learned counsel for the petitioner submits that it is evident from the F.I.R and statement under Section 164 Cr.P.C. of the informant that the informant is major. Learned counsel for the petitioner submits that the petitioner is a young boy aged about 23 years. Learned counsel for the petitioner also submits that from F.I.R., it appears that informant willingly developed physical relationship with the petitioner and prior to the lodging F.I.R., she has not made any kind of complain. Learned counsel for the petitioner



submits that there is no independent witness of the incident. Learned counsel for the petitioner further submits that the petitioner works in a private biscuit factory in Goa and used to live there and on special occasion he used to visit his native village as well as relatives. Lastly, it has been submitted that petitioner has no criminal antecedent.

5. Learned A.P.P. has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Bhojpur Mahila P.S. Case No. 45 of 2022, he shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sub Divisional Judicial Magistrate, Bhojpur at Ara subject to condition as laid down under Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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