

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46488 of 2023

Arising Out of PS. Case No.-54 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

VIMAL MERTIA AGRAWAL @ VIMAL KUMAR MERTIA @ VIMAL KUMAR SON OF ASHOK MERTIA @ ASHOK KUMAR MERTIA FLAT NO 103 BADAL APARTMENT GANESH LAL LANE PS DIGHA DISTRICT PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. Priya Agrawal Daughter Of Vinod Agrawal Resident Of Mohalla- Harisabha Chowk, Ps- Mithanpura, District- Muzaffarpur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ravindra Kumar, Advocate
		Mr. Shubham Kr. Singh, Advocate
For the Opposite Party/s	:	Mr. Nawal Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 28-07-2023
1. Heard learned counsel for the petitioner and learned APP for the State.
 2. Petitioner seeks regular bail in connection with Mahila P.S. Case No.54 of 2021 dated 13.06.2021 registered for the offence/s punishable under Section/s 341, 342, 323, 506, 385, 509, 376, 420 and 349 of the Indian Penal Code and Section 67(1) of the Information Technology Act
 3. The main submissions advanced by the learned counsel for the petitioner are that the informant is admittedly a major lady and initially she and this petitioner came in contact during religious trip and thereafter they entered



into relationship that was consensual and the allegation of blackmailing the informant and committing rape with her as made in the FIR is totally false and the FIR was lodged three years after the commission of the first alleged incident and the delay has not been explained and some photographs showing a love relationship in between them have been filed as Annexure-3 series which clearly show that the informant was having relationship with this petitioner according to her own sweet will and the said photographs cannot be deemed to be objectionable in any way. Further submissions are that the petitioner has been languishing in jail since 20th March, 2023 and after the institution of the FIR the informant realized her mistake and thereafter she compromised the instant matter with this petitioner by filing a compromise petition vide Annexure-4 and in the present time good relationship has been established in between them. Further submissions are that against this petitioner the investigation has been completed and he has fair and clean antecedent and against him there is criminal antecedent of one case which was lodged by petitioner's own wife and his marriage has been dissolved by a mutual divorce decree.

4. Learned APP appearing for the State opposes



the bail prayer.

5. Considering the facts and circumstances of this case and above submissions and mainly the facts that the informant is stated to be 35 years old lady and the FIR goes to show that initially she made relationship with this petitioner voluntarily and after the institution of the FIR, she has compromised with this petitioner and moreover against the petitioner the investigation has been completed, this Court is inclined to accept his prayer for bail. Accordingly, let the petitioner named-above be released on bail in connection with Mahila P.S. Case No.54 of 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned.

(Shailendra Singh, J)

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