

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.49551 of 2023**

Arising Out of PS. Case No.-39 Year-2023 Thana- MAHILA P.S. District- Patna

GANESH KUMAR S/O SHAMBHU SHARAN SHARMA R/O Village-  
Mahmadpur, P.S - Hisua and Distt. - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

|                            |                                        |
|----------------------------|----------------------------------------|
| For the Petitioner/s :     | Mr. Shashi Ranjan Kumar, Advocate      |
|                            | Mr. Rahul Kumar Dubey, Advocate        |
|                            | Mr. Nilendu Kumar Choudhary, Advocate  |
| For the Opposite Party/s : | Mr. Chandra Bhushan Prasad, A.P.P.     |
| For the Informant :        | Mr. Ranjeet Tiwary, Advocate           |
|                            | Mr. Chandra Bhushan Upadhyay, Advocate |

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA**  
**ORAL ORDER**

- 2      04-08-2023                      1. Heard learned counsel for the petitioner, learned  
A.P.P. for the State learned counsel for the informant.
2. The petitioner apprehends his arrest in a case  
registered for the offences punishable under Sections 376, 506  
and 509/34 of the Indian Penal Code and Section 4 of the  
Dowry Prohibition Act.
3. Learned counsel for the petitioner submits that  
petitioner is a person with clean antecedent.
4. The informant alleges that she came in contact with  
the petitioner through Facebook and thereafter they started  
talking and the petitioner was working with the railways in West  
Bengal. She further alleges that she asked the petitioner to  
marry but he demanded Rs.25 lakhs but later agreed to marry



her. It is next alleged that on 22.12.2022 he came to Bihar for sitting in Bihar Secretariat Examination and called her in hotel New Mega Palace where he established physical relation forcefully and assured that he will marry. She also alleged that earlier also he had taken her to Hotel Mundrika Deluxe and had tried to establish physical relation. It is further alleged that petitioner later refused to marry and when she threatened of complaining, the petitioner threatened that he will commit suicide and at the same time will bring disrepute to her family.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that from tenor of the allegation as alleged in the FIR, it would manifest that in sum and substance, the allegation is that petitioner established physical relation on pretext of marriage. It is next submitted that it is also not disputed that petitioner and the informant are consenting adults and they came together and thereafter they entered into relationship and it appears that when the relationship soured, the present false case came to be instituted. It is also submitted that from perusal of the allegation as alleged in the FIR, it would manifest that the informant herself alleged that she came in contact with the petitioner through Facebook and thereafter they



started talking which amply demonstrates that petitioner never made any endeavour to woo the informant rather it was by chance that they came together through social media. It is further submitted that the petitioner initially had refused to marry the informant as it is alleged that when she asked him to marry before entering into any kind of physical relationship he had demanded Rs.25 lakhs and thereafter refused but then it is alleged that later he agreed. Learned counsel for the petitioner thus submits that it absolutely does not stand to reason that as to why the informant was pursuing the petitioner when she herself alleges that initially he had demanded an amount of Rs.25 lakhs for marrying and had refused also, this amply demonstrates that the allegation as alleged in the FIR are nothing but bunch of concocted story. Learned counsel further submits that petitioner is a government servant and the informant is trying to pressurize the petitioner to marry him by alleging that he forcefully established physical relation. It is next submitted that since the petitioner had initially refused and had also demanded Rs.25 lakhs then why the informant believed him so easily and went to the hotel when he called her when he had come to Bihar for appearing in an examination, this reflects the conduct of the informant. It is also submitted that the relationship was



consensual and right from the beginning the petitioner had made it clear that he will not marry against the wishes of his parents and this aspect can be culled out also from the allegation itself as the informant initially alleges that petitioner had refused to marry her. Learned counsel for the petitioner further submits that it absolutely defies all logic, wisdom and reasonable human behaviour that the informant alleges that prior to establishing physical relation in Hotel New Mega Palace the petitioner had called her to Hotel Mundrika Deluxe where he attempted to establish physical relation but could not. If the petitioner was such a person then why she on his calling went to meet at Hotel New Mega Palace subsequently. This also speaks volume about the relationship. Learned counsel for the petitioner next submits that from the last part of the allegation it would manifest that the informant herself alleges that when she was pressurizing him to marry, the petitioner said that he will commit suicide which shows the frustration through which he was going. Learned counsel next submits that nowadays it has become a fashion that two consenting adults come together and on their sweet will they enter into relationship at times physical relationship and later a case of rape comes to be instituted. It is also submitted that the present FIR came to be instituted in the year 2023 and



the relationship between the petitioner and the informant started in 2018, this is not disputed by the learned counsel for the informant but then the learned counsel for the petitioner submits that it is possible that the informant for five years would not have realized that she is being taken for a ride as is being alleged in the FIR. This further casts aspersion on the case of the prosecution.

6. Learned A.P.P. for the State and learned counsel for the informant opposed the prayer for anticipatory bail of the petitioner but are not in a position to rebut the submission of the learned counsel for the petitioner that initially the petitioner had denied to marry thereafter at Hotel Mundrika Deluxe he had tried to establish relationship but was not successful but still on his calling the informant willingly went to meet him at Hotel New Mega Palace and also that the relation between the two consenting adults was consensual initially and later a case of rape came to be instituted.

7. 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, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Patna Mahila P.S. Case No. 39 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

**(Satyavrat Verma, J)**

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