

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49243 of 2023

Arising Out of PS. Case No.-316 Year-2022 Thana- PATLIPUTRA District- Patna

Vishal Kumar @ Ajay Yadav Son of Mohan Rai R/o-Bal Kishun Complex,
Near Central Bank, Rajeev Nagar, P.S.-RAJEEV Nagar, Distt.-PATNA. At
Present Residing At Mohalla-Kurji Balu Par, P.S.-DIGHA, Distt.-PATNA

... .. Petitioner

Versus

1. The State of Bihar
2. Anita Pandit, D/o Sri Ravindra Pandit, Resident of 284 Van Vibhag Lane,
Nehru Nagar. P.S. Patliputra, District-Patna. At present Pandit Sadan,
Bengali Colony, Mahavir Enclave, Palam, New Delhi.

... .. Opposite Parties

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Ms. Devika Rani, Advocate
For the Opposite Party/s	:	Mr. Md. Mushtaque Alam, APP
For the Informant	:	Mr. Shreyash Goyal, Advocate Mr. Aman Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 06-12-2023 Heard learned Senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

2. The petitioner in the present case is seeking pre-arrest bail in connection with Patliputra P.S. Case No. 316 of 2022 registered for the offences punishable under Sections 498A, 495, 323, 406, 420, 504, 354C and 376 of the Indian Penal Code. He has got eleven criminal antecedent. He is on bail in all these cases.

3. As per the prosecution story, the informant who was running her private business came in contact with this petitioner in the year 2019 and after sometime, they developed good friendship and the petitioner proposed her for marriage

and on that assurance, he started establishing physical relation with her. Upon pressure from the informant for marriage, the petitioner married with her in a temple in the year 2020 and kept her in an apartment in Rajeev Nagar, Patna. It is further alleged that this petitioner took Rs. Seven lakhs from the informant in the name of purchasing land but later the amount was returned. The informant got to know that the petitioner is married from before and has got two children. It is alleged that the petitioner assured that he will divorce his wife but in the end refused to do so. The petitioner was arrested on 20th March, 2022 by the Patna Police and then the informant got to know about the character of this petitioner and she also came to know that this petitioner has illicit relations with other women. The informant was threatened by friends and family of the petitioner. It is alleged that the petitioner had made some obscene videos of the informant with a view to defame and harass her.

4. Learned Senior counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the informant is not the legally wedded wife of the petitioner. It is further submitted that the informant is major and the relationship between the petitioner and the informant was consensual. The money which the

petitioner took from the informant has also been returned to her.

5. Learned APP for the State has opposed the prayer for anticipatory bail of the petitioner. It is stated that this petitioner who was already a married man and had two children has established physical relation with the informant on the pretext of marriage. The petitioner has got criminal antecedent of eleven cases.

6. Having regard to the facts and circumstances of the case, there being specific allegation that this petitioner had allured the victim lady and on the pretext of marriage, established physical relationship with her and further that the petitioner has got eleven criminal antecedents, though he is said to be on bail in those cases, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. His prayer for anticipatory bail is refused.

7. In case the petitioner surrenders and prays for regular bail, the same will be considered on its own merit.

8. This application stands dismissed.

(Rajeev Ranjan Prasad, J)

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