

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26266 of 2024

Arising Out of PS. Case No.-438 Year-2023 Thana- KUDRA District- Kaimur (Bhabua)

Pankaj Kumar @ Pankaj Keshari Son of Surendra Sah Resident of Village-
Karmnasa, P.S. Durgawati, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kumar Sunil, Advocate
For the State	:	Mr. Bharat Bhushan, APP
For the Informant	:	Mr. Amit Ranjan, Advocate

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 01-05-2024 Heard Mr. Kumar Sunil, learned counsel appearing on behalf of the petitioner; Mr. Bharat Bhushan, learned APP appearing on behalf of the State and Mr. Amit Ranjan, learned counsel for the Informant.

2. The petitioner apprehends his arrest in connection with Kudra P.S. Case No. 438 of 2023 registered under Sections 354, 504, 506, 34 of the Indian Penal Code and Section 67 of the I.T. Act.

3. As per the allegation made in the FIR, marriage of informant's daughter was fixed with one Golu Keshari and their engagement took place on 25.10.2023 and, subsequently, the petitioner sent vulgar photographs through Instagram to Golu Keshari, and thereafter, he refused to marry with the daughter of



the informant.

4. Learned counsel appearing on behalf of the petitioner submitted that no case under Section 354 or under Section 67 of the I.T. Act is made against the petitioner. The petitioner and the victim were in live-in-relationship and parents of the victim did not want the said relationship to be finally concluded into marriage between the victim and the petitioner. A false case has been lodged against the petitioner and the signature of the victim has been taken under pressure, who has signed as scribe (*Katib*) of the FIR. Learned counsel further submitted that prior to the present FIR, an FIR was lodged against the petitioner alleging therein that the petitioner has kidnapped the daughter of the informant. The statement of the victim was recorded under Section 164 of the Code of Criminal Procedure, in which, she had stated that she at her own wish went to Bangalore with the petitioner and stayed with him. Learned counsel has also submitted that the daughter of the informant still wants to marry with the petitioner and he has been roped in a false case on the allegation that petitioner has shared some vulgar photographs with one Golu Keshari. Learned counsel in these backgrounds submitted that this is a case, where the parents of the victim are against the relationship



between the victim and the petitioner, which has led to the lodging of the present FIR.

5. Mr. Amit Ranjan, learned counsel appearing on behalf of the informant has vehemently opposed the prayer for bail and submitted that petitioner is a habitual offender and he wants to play with the dignity and honor of the informant's daughter. Even after she got engaged with some other person to get married, the petitioner sent certain objectionable photographs on Instagram, which ultimately led to the filing of the FIR against the petitioner.

6. Learned APP for the State has also vehemently opposed the prayer for grant of pre-arrest bail.

7. Having heard the rival submissions made on behalf of the petitioner, as well as, the fact that the main allegation against the petitioner is that he had transmitted certain objectionable photographs of the daughter of the informant to one Golu Keshari, with whom, the daughter of the informant was engaged and allegedly the settlement of marriage between them broke. It is claim of the petitioner that the informant did not want relationship of his daughter with the petitioner, while his daughter wants to marry with the petitioner and she on her own wish started living with the petitioner in Bangalore and



after lodging of the FIR in Kudra P.S. Case No.123 of 2023, petitioner and his relatives were directed to be released on bail with certain conditions. Learned counsel has also submitted that the daughter of the informant still wants to marry with the petitioner and he has been roped in a false case on the allegation that petitioner has shared some vulgar photographs with one Golu Keshari. Considering the fact that the conduct of the petitioner was not found to be such, as would appear from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure on earlier occasion and the petitioner has shown his innocence that he has been dragged in the present case to put pressure on the victim, so that, she may herself decline to marry with the petitioner. In Peculiar facts and circumstances of the present case, I find it proper that statement of the victim should be recorded in the present case to ascertain the desire of the victim. **In case, the victim, being major, still wants to live with the petitioner, in that case, the District Court is directed to release the petitioner on anticipatory bail,** in the event of his/her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each, to the satisfaction of learned



Judicial Magistrate- Ist Class, Mohania, Kaimur (Bhabua) in connection with Kudra P.S. Case No. 438 of 2023, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

8. The bail application stands disposed of.

(Purnendu Singh, J.)

Ashishsingh/-

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

