

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33254 of 2024

Arising Out of PS. Case No.-71 Year-2024 Thana- PURNEA SADAR District- Purnia

Nitish Yadav @ Nitesh Nandan Son of Shambhu Yadav @ Shambhu Prasad
Yadav Resident of Professor Colony, Ward No. 31, PS- Sadar, Dist-Purnea
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 21-09-2024 Heard Mr. Raj Kumar, learned counsel appearing on
behalf of the petitioner and Mr. Ajit kumar, learned APP for the
State.

2. Petitioner seeks pre-arrest bail in connection with
Sadar P.S.Case no.71 of 2024 registered for the offences
punishable under Sections 341, 323, 376 and 506 of the Indian
Penal Code .

3. As per the allegation made in the FIR, the petitioner
had threatened the informant that if she refused to get married
with him, he will commit suicide by taking poison and after
establishing sexual relationship, he threatened that he will make
the objectionable photographs viral on the social media.

4. Learned counsel appearing on behalf of the
petitioner submitted that from very perusal of the FIR, it
appears that the informant on her own had established physical



relationship and all of a sudden after coming to know that the petitioner is married she lodged the present FIR on frivolous allegations.

5. Learned counsel further submitted that the informant has admitted that she had started living as a wife of the petitioner since 14.02.2023 and they remained together till 24.01.2024. The statement of the victim/informant was also recorded, as would appear from paragraph no.25 of the case diary in which she has stated that she herself had agreed to live together and got married with the petitioner.

6. Learned counsel also submitted that the Doctor has not found any sign of sexual assault at the time of examination.

7. Learned counsel further submitted that considering the allegation made in the FIR, vide order dated 08.07.2024 passed in Cr. Misc. No.42284 of 2024, the Co-ordinate Bench has directed to issue notice to the O.P.No.2 and in the meantime, no coercive steps shall be taken against the petitioner.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Having considered the rival submissions made on behalf of the parties, as well as, the fact that the informant had herself agreed to live together and she has also admitted that she



has got married in spite of the fact that she was having two children from her legal wedded husband, I find that for her own fault, she has implicated the petitioner after having sexual relationship in a frivolous case. Law in this regard is well settled in the case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89**.

7. The petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned district court 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 ACJM, Purnea/concerned court, in connection with Sadar P.S.Case No.71 of 2024, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

7. The learned district court is directed to verify the criminal antecedent of the petitioner and if it is found that the petitioner is involved in some other cases as what has been stated in paragraph No.3 of the bail application, this order will automatically lose its force.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

