

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36644 of 2024

Arising Out of PS. Case No.-7 Year-2023 Thana- Cyber P.S. District- West Champaran

Surya Prasad @ Suraj Prasad son of Badri Prasad Village- Po- Giridhar
Baraon Ps- Nawanagar Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranvijay Narain Singh
	:	Mr. Dharmendra Kumar Singh
For the Opposite Party/s	:	Mr. Rabindra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 01-10-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 420, 406, 385, 354C, 354D, 376 of the Indian Penal
Code and Sections 67 and 67(a) of the I.T. Act.

3. The learned counsel for the petitioner submits that
from perusal of the office report dated 27.09.2024, it would
manifest that notice on behalf of O.P. No. 2 has been received
by a father. Since notice has been received by father of the O.P.
No. 2, as such, it is deemed to have been validly served.

4. The learned counsel appearing on behalf of the
petitioner submits that the petitioner is a person with clean



antecedent and has been falsely implicated in the instant case by the informant. It is next submitted that a consenting relationship has been given a colour of rape. It is next submitted that petitioner and the O.P. No. 2 came in contact with each other through social media and over a period of time, the friendship developed into love, and thereafter, relationship was established, but then there was no promise on behalf of the petitioner to marry the O.P. No. 2, as he was an unemployed person. It is next submitted that even the O.P. No. 2 was aware that petitioner is unemployed, and, as such, she never intended to marry the petitioner. It is further submitted that petitioner over a period of time qualified in the examination conducted by the railways and is presently posted with the Central Railways, Nagpur Division. It is next submitted that petitioner qualified in the examination conducted by the railways in the Year 2022, and the relationship of the petitioner with the Opposite Party No. 2 was continuing since 2019. It is submitted that when petitioner joined railways, the problem started, as the O.P. No. 2 started pestering him for marriage, it is asserted and submitted that the petitioner also intended to marry the O.P. No. 2, but then, he was seeking some time as he got appointed in the month of December 2022 itself, as such, he had requested the O.P. No. 2 to wait for some time



so that he may save money, and thereafter, get married, but the Opposite Party No. 2 for reasons best known was in a hurry and instituted the instant FIR in the Year 2023, with an intention to coerce the petitioner into submission so that he has no way but to marry and also alleged frivolous allegation including rape and taking videos.

5. Learned counsel for the petitioner submits that petitioner is employed with the Railways and, as such, cannot think of indulging in any act which will directly affect his employment with the Railways, but then, the present FIR is nothing but a tool to coerce the petitioner into submission. It is next submitted that petitioner since December 2022 is on duty with the Railways at Nagpur and has not taken any leave prior to 29.01.2024, nor was aware that an FIR has been instituted by the O.P. No. 2 nor the police ever tried to contact him nor made any endeavours to arrest him, when the police could have easily arrested the petitioner by locating him by his place of posting, more so when the Opposite Party No. 2 was aware, where the petitioner was posted.

6. The learned counsel for the petitioner next submits that process under Section 82 of Cr.P.C. was issued against him but the same challenged in Cr. Misc. No. 4562 of 2024 and the



process under Section 82 of Cr.P.C. was stayed by an order dated 29.01.2024.

7. The learned counsel for the petitioner next submits that O.P. No. 2 is aware of the fact that petitioner has been falsely implicated in the instant case only with a view to coerce him into submission so that he marries the O.P. No. 2 but then petitioner was always ready to marry the O.P. No. 2, but was seeking time but the O.P. No. 2 in haste instituted the instant FIR which reflects that O.P. No. 2 was only interested in marrying after the petitioner qualified in the examination of the Railways, it is submitted that had O.P. No. 2 been in love with the petitioner, in that event, the instant FIR would not have been instituted. It is also submitted that despite receiving notice validly, the O.P. No. 2 chooses not to appear and contest which amply demonstrates that even O.P. No. 2 is aware that she committed a mistake by instituting the instant FIR.

8. The learned APP for the State, Mr. Rabindra Kumar opposes the anticipatory bail application.

9. 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, is directed to be released on bail



on his furnishing bail-bonds in the sum of Rs. 10,000 /- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, 1st Class, Bagaha, West Champaran in connection with Bagaha Cyber P.S. Case No. 07 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. The application stands allowed.

(Satyavrat Verma, J)

Sudhanshu/-

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