

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44544 of 2024

Arising Out of PS. Case No.-2 Year-2024 Thana- FULKAHA District- Araria

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Umesh Kumar Mehta @ Bilat S/o- Vijay Mehta R/o- Domhan W.No-1, Ps-
Nirmalli Dist- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Shankar Kumar Mehta, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Kamal Kishore Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 24-07-2024 Heard Mr. Shankar Kumar Mehta, learned counsel

appearing on behalf of the petitioner and Mr. Amitesh Kumar,

learned APP appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection
with Fulkaha P.S. Case No. 2 of 2024 registered under Sections
376 and 506 of the Indian Penal Code.

3. As per the allegation made in the FIR, the
informant has alleged that on the pretext of marriage, the
petitioner has established relationship in the year 2018 till the
date of lodging of the FIR and thereafter he had threatened to
circulate the objectionable photographs of the informant on
social media.

4. Learned counsel appearing on behalf of the
petitioner submits that the informant had admitted that she was
in relationship with the petitioner, since the year 2018 till the



date of lodging of the FIR and at no point of time, she has ever made any complaint against the petitioner that he had committed any wrongful act with her. At no stretch of imagination, such relationship developed between the petitioner and the informant can hold the petitioner guilty of having committed rape with her in this regard, learned counsel has referred the law laid down by the Apex Court in cases of **Naim Ahmed Vs. State (NCT of Delhi), 2023 SCC Online SC 89** and **Prashant Bharti Vs. State (NCT of Delhi) (2013)9 SCC 293**. Petitioner has clean antecedent. On these grounds, petitioner seeks to be released on bail.

5. Mr. Kamal Kishore Singh, learned counsel has tendered his appearance on behalf of the informant and has vehemently opposed the prayer for anticipatory bail to the petitioner, on the ground that the petitioner had committed wrong with the informant on the pretext of marriage. Even being a married man, he had not given this information to the informant, therefore, the petitioner don't deserve to be released on bail.

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

7. Considering the allegation made in the FIR, as well



as, the admission of the informant, in respect of her relationship with the petitioner, since the year 2018 till the date of lodging of the FIR, it shows that she was willingly in relationship with the petitioner.

8. In above view of the matter, the petitioner has, *prima facie*, made out a case to be released on anticipatory bail

9. The learned District Court is directed to release the petitioner on anticipatory 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 JMFC, Araria in connection with Fulkaha P.S. Case No. 02 of 2024, subject to the condition as laid down under Section 438(2) of the Cr.P.C.

10. The learned District Court is directed to verify the criminal antecedent of the petitioner, as stated in paragraph no. 3 of the bail application. If any other case is pending against the petitioner, as what has been stated in paragraph no. 3, this order will lose its force automatically.

(Purnendu Singh, J.)

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