

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48774 of 2024

Arising Out of PS. Case No.-187 Year-2024 Thana- SIKARPUR District- West Champaran

Md Rashid @ Rashid Ahamad @ Rashid Ahmad S/O Shek Shafi Ahmed @
Shafi Ahmad @ Safi Ahamad R/O Ward no. 10, Village Mahuawa, Binwalia,
P.S. Shikarpur, Distt-West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. XXXX(victim) through her natural guardian, Sheikh Nejamuddin R/o
Village-Mahuava, Binwalia, P.S. - Shikarpur, District -West Champaran
... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Vatsal Verma, Advocate
For the Opposite Party/s :	Mr. Anil Kumar Singh No. 1, A.P.P. Mr. Janmejy Giridhar, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 29-08-2024
1. Heard learned counsel for the petitioner, learned A.P.P.

for the State and Mr. Janmejy Giridhar learned counsel appearing on

behalf of the informant.

2. The petitioner apprehends his arrest in a case registered

for the offences punishable under Sections 341, 323, 376(3), 504 and

34 of the Indian Penal Code, Section 4 of the POCSO Act as well as

Section 67B of the I.T. Act.

3. Learned counsel for the petitioner submits that

petitioner is a person with clean antecedent.

4. The informant alleges that petitioner for the last two

years is establishing physical relation with her on the pretext of

marriage. Further, when she asked him to marry, the petitioner

refused and threatened that if she discloses the relationship to anyone



then he will make obscene video of her and will put on social media. Further, his parents and brother also refused to marry the petitioner with her. Thereafter, petitioner put obscene pictures of the informant on social media on which her mother and sister went to complain when the father of the petitioner abused and threatened that they will be assaulted by acid.

5. Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. It is further submitted that though it has been alleged in the FIR that obscene pictures of the informant was put on social media but then nothing has transpired during the course of investigation which could even remotely suggest that any obscene picture of the informant was put on social media. It is thus submitted that the said allegation has been made only with a view to coerce the petitioner into submission and also to give seriousness to the case. It is next submitted that the relationship was purely consensual with no promise of marriage. It is next submitted that whenever a consensual relationship sours a case of rape is instituted. It is further submitted that insofar as it is alleged that father of the petitioner abused and threatened that the mother and sister of the informant will be assaulted by acid is alleged, the same is ornamental.

6. Mr. Janmejy Giridhar learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner but then submits that the instant FIR was instituted keeping



the informant in dark but then supports the allegation as alleged in the FIR.

7. Learned counsel appearing on behalf of the petitioner rebuts the said submission and submits that it absolutely does not stand to reason that how an FIR came to be instituted by keeping the informant in dark which amply demonstrates that for ulterior reason the FIR has been instituted.

8. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner.

9. Considering the submissions made by the learned counsel for the petitioner, let the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Shikarpur P.S. Case No. 187 of 2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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