

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40500 of 2024

Arising Out of PS. Case No.-6 Year-2024 Thana- MAHILA PS District- Jehanabad

VIVEK KUMAR @ CHOTU SHARMA @ VIVEKANAND KUMAR SON
OF AWADHESH SHARMA RESIDENT OF BHARTHU TOLA,
ISMAILPUR, POLICE STATION - GHOSHI, DISTRICT - JEHANABAD
... .. Petitioner/s

Versus

THE STATE OF BIHAR
... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 5 20-11-2024 1. Heard learned counsel for the petitioner, learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 376, 511, 341, 323, 448, 504 and 506 of the Indian Penal Code.
3. Learned counsel for the petitioner submits that sister of the petitioner and the informant were friends in school and since then the informant and the petitioner were known to each other. It is further submitted that petitioner after sometimes came to Patna for his further studies, the informant also subsequently came to Patna for preparing for competitive examination and thus joined a coaching. It is next submitted that the informant alleges that when she came to Patna, all of a



sudden she met the petitioner who asked her to accompany him to a hotel where she went along with him and there the petitioner forcibly took her inappropriate pictures and thereafter started calling her and threatened that the pictures would be made viral on social media on account of which the informant got frightened but after sometimes she informed her parents about the acts of the petitioner when her father called the petitioner on his mobile but petitioner abused him. Further, on 05.03.2024, the petitioner came to the house of the informant along with his marriage card and handed over to her grandmother and after putting her grandmother on point of gun forcibly took the informant inside a room and disrobed her and started acting inappropriately on which her grandmother raised alarm. Further, the informant informed her father but then the said act of the petitioner was not disclosed fearing disrepute, thereafter petitioner has been calling her continuously and doing inappropriate act.

4. Learned counsel for the petitioner submits that from bare perusal of the allegation as alleged in the FIR, it would manifest that the same is cryptic and vague. It is further submitted that the name of the hotel is not disclosed which casts an aspersion on the case of the prosecution as it does not appear



probable that the informant would not have known the name of the hotel where she had accompanied the petitioner. It is next submitted that the allegation does not even remotely suggest that petitioner ever established any physical relation with the informant but then when her statement was recorded by the police under Section 161 Cr.P.C. the informant started filling the lacunae left in the FIR and alleged that the petitioner had established physical relation and she met the petitioner at the railway station when she came to Patna. It is also submitted that this amply demonstrates that petitioner and the informant were known to each other from before and when informant came to Patna she had disclosed about the same to the petitioner from before, as such, the petitioner had gone to the station to pick her up. It is further submitted that though petitioner and the informant were friendly but then there was no promise of marriage and it was only when petitioner had gone to invite the family members of the informant for his wedding when the instant FIR came to be instituted.

5. Learned counsel appearing on behalf of the informant and learned A.P.P. for the State opposed the prayer for anticipatory bail of the petitioner but then are not in a position to rebut the submission of the learned counsel appearing on behalf



of the petitioner that there is no allegation of establishing physical relation in the FIR.

6. 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 Jehanabad Mahila P.S. Case No. 06 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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