

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57952 of 2024

Arising Out of PS. Case No.-83 Year-2024 Thana- NAANPUR District- Sitamarhi

Rajeev Kumar @ Bittu Maithil @ Rajeev Kumar Jha S/O Daya Kant Jha R/O
Village- Chakauti, Ward No 16, Ps- Nanpur, District Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Swati Kumari D/O Mangnu Kumar Jha R/O Village Chakauti, Ward No 16,
Ps- Nanpur, District Sitamarhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate with Ms. Sakshi Deep, Advocate
For the Opposite Party/s	:	Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

3 26-10-2024 Heard learned senior counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner apprehends arrest in connection with
Nanpur P.S. Case No. 83 of 2024 dated 26.02.2024 instituted for
the offence punishable under Section 376, 506 of the Indian
Penal Code.

3. The prosecution case, in short, is that the informant
was a student of B.A. 3rd year and she used to go to Mithila
Mahilla Mahavidyalay, Darbhanga, for her study and the
petitioner who was a married person, who used to follow her. It
is alleged that on 11.12.2023, the petitioner called the informant
at Darbhanga. Thereafter, the petitioner took her at a hotel and



provided her some intoxicated substances due to which she became unconscious. Thereafter the petitioner put off her clothes from her body and took her naked photos. When she regained consciousness, the petitioner threatened to viral her photo and to murder her parents. On that threatening, the petitioner used to establish physical relation with the informant. It is also alleged that despite of assurance, he refused to marry with the informant.

4. Learned senior counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case. It is further submitted that it is evident from the F.I.R. that the informant is a major girl aged about 22 years. She out of her free will, entered into physical relation with the petitioner, but after denial of marriage by the petitioner, the present case was lodged by the informant at the instance of her father, who is on inimical terms with the family of the petitioner. Learned counsel for the petitioner further submits that the informant has filed a petition in which she specifically stated that there is old enmity between her father and petitioner's family. Only due to old enmity, the informant had to sign on the F.I.R. without knowing the content of the same. Learned counsel for the petitioner submits that process under Section 82 of



Cr.P.C. was issued against the petitioner which was stayed by this Court vide order dated 30.09.2024 passed in Criminal Miscellaneous No. 57984 of 2024 and liberty was given to file anticipatory bail application in the appropriate Court in accordance with law. In view of the said order, the petitioner filed anticipatory bail application before the Sessions Judge, Sitamarhi, which was rejected. Against which, the present anticipatory bail application has been filed. Learned counsel for the petitioner further submits that in number of cases, the Hon'ble Apex Court has held that 'a breach of a promise cannot be said to be a false promise.' The relationship between the petitioner and informant was of a consensual nature. Lastly, it has been submitted that petitioner has no criminal antecedents.

5. On the other hand, learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Nanpur P.S. Case No. 83 of 2024, he will be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M.



Rupauli, Sitamarhi, subject to condition as laid down under
Section 438(2) of the Cr.P.C.

(Khatim Reza, J)

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