

Arising Out of PS. Case No.-29 Year-2024 Thana- MAHILA P.S. District- Patna

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... .. PETITIONER/S

THE STATE OF BIHAR

... .. OPPOSITE PARTY/S

For the Petitioner/s	:	Mr. N K Agrawal , Sr. Advocate Mr. Parijat Saurav , Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari , APP
For the informant	:	Mr. Vishal Vikram Rana, Advocate Ms. Misha Bharti , Advocate Ms. Ananya Shivani , Advocate Ms. Aditya Singh, Advocate Ms. Siddhant , Advocate

2 24-09-2024 Heard learned counsel for the petitioner,
informant and the State .

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 323 , 341 and 376



of the Indian Penal Code .

3 . As per prosecution case, it is alleged that informant, namely Surbhi Kumari, got acquainted with the petitioner in February 2023, thereafter they became friends, and petitioner offered her to marry even after knowing that informant is a married woman and has a 2 -year-old daughter. It is stated in the FIR that her divorce case no. 29/2023 is pending in the court of law. It is further alleged that petitioner regularly came to the house of informant and made her private videos and on the basis of same he exploited her and demanded money from informant and took her to many hotels on several days, and when informant got pregnant, then petitioner forcefully gave her medicine and aborted her. When the informant tried to raise her voice, then petitioner assaulted and tried to kill her. And lastly informant stated that petitioner is regularly blackmailing and exploiting her.

4. Learned counsel for petitioner submits that petitioner is quite innocent and has committed no offence . Informant who is a married lady having 2-year-old daughter is fraud and cunning and has made many friends and extorted money from them by blackmailing and lodging false cases against them. Before filing the present F.I.R. against this



petitioner, informant had filed a case against one person, namely, Rahul Raj, on the same set of allegations. In that case, the informant first filed the complaint case no. 9752 of 2022, registered under sections 323, 327, 384, 376, and 506 of the Indian Penal Code, wherein the learned court below observed the evil intention of the informant and took cognizance under sections 504 and 506 of the IPC only. Thereafter the informant with malicious intention filed one FIR against Rahul Raj in Gardanibagh P.S. Case No. 581 of 2022 under sections 493, 341, 323, 504, 506, and 34 of the IPC, and no offense under section 376 of the IPC was added by the police . It is further stated that the petitioner, after getting tortured and blackmailed by the informant, had filed one complaint case no. 589 of 2024 before the learned court of the Chief Judicial Magistrate, Buxar. Earlier, petitioner has also filed one information petition no. 165/2024 in the court of CJM, Buxar, i.e., Annexures 7 and 8 to the bail petition. From bare perusal of the F.I.R., it is apparent that at the time, when relationship was established between them, both parties were major, and both informant and petitioner enjoyed each other's company and indulged in sexual acts, and as such, the same cannot be said to be induced or involuntarily. The allegation of aborting



the pregnancy is false and superfluous, only with a view to make the case grave .

5 . Learned counsel for the State as well as informant opposed the bail petition of the petitioner and submitted that petitioner is named in the F.I.R., and there is specific allegation against him is that he established physical relation with the informant on the false promise of marriage and thereafter prepared video of the victim and on the basis of same , petitioner started exploiting her.

6. Considering the aforesaid facts and also the fact that both the parties were major when the relationship developed between them and which continued for few months together and informant was well aware of such relationship and its consequences and as such, the same will not amount to any criminal offence , in the event of arrest or surrender within eight weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class Patna in connection with Mahila P S case No. 29 of 2024 , subject to the conditions laid down under



section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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