

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71949 of 2023

Arising Out of PS. Case No.-528 Year-2023 Thana- SASARAM NAGAR District- Rohtas

SACHIN KUMAR MEHTA son of Ganesh Singh R/o- Lakhnau Sarai
Sasaram Ps- Sasaram T Dist- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivnandan Bharti, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

Mr. Dhaneshwar Prasad Gupta, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 16-05-2024 Heard learned counsel for the petitioner, learned APP

for the State along with learned counsel appearing on behalf of

the informant.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Section 376 of the IPC in connection with Sasaram (T) P.S.
Case No.528 of 2023.

3. The learned counsel for the petitioner submits that
petitioner is a person with clean antecedent and has been falsely
implicated in the instant case by the informant.

4. It is next submitted that from from bare perusal of
the allegation as alleged in the F.I.R, it would manifest that the
F.I.R. is cryptic, vague and lacking in essential details. It is also
submitted that in the nature of allegation as alleged, it manifests



that the relationship in between the petitioner and the opposite party no.2 was consensual and when the relationship soured, the present false case came to be instituted. It is further submitted that from perusal of the allegation as alleged in the F.I.R., it would manifest that the opposite party no.2 alleges that she came to know the petitioner, as the father of the petitioner was having a clinic in front of the house of the opposite party no.2, where the petitioner used to visit and accordingly, they came in contact, but then, alleges that somehow the petitioner obtained her mobile number and thereafter became friends. It is next alleged that on 15.08.2021, she was made to drink an intoxicated cold drink on account of which, she became unconscious and taking advantage of the same, the petitioner established physical relation and threatened that if she will disclose the occurrence to anyone, then he will make the video of the occurrence, which he has recorded, viral on social media.

5. The learned counsel submits that if the petitioner had established physical relation forcefully under intoxication in that event, the opposite party no.2 ought to have instituted an F.I.R. at the earliest, but then, the same was not done, rather from perusal of the allegations as alleged, subsequently, it appears that the entire case has been instituted only with a view



to coerce the petitioner and his family members into submission for the purposes of marriage. It is next submitted that allegation of making video is to give serious colour to the case, when the relationship was consensual between two consenting adults. It is next submitted that the petitioner is pursuing his BAMS from Santushti Ayurvedic Medical College and Hospital, Hinauti, Dagmagpur, Chunar, Mirzapur and his entire career would be jeopardized if the petitioner is sent to judicial custody. The learned counsel asserts and submits that a false allegation has been alleged that video of the occurrence has been made by the petitioner.

6. It is further submitted that had any video or photograph of the O.P. No.2 would have been taken under the state of intoxication, in that event the photograph or the video would have been shown to the O.P. No.2 for the purposes of blackmailing and establishing physical relation, but then from perusal of the allegation as alleged in the FIR, it would manifest that the same does not even remotely suggest that the O.P. No.2 was shown any video or photograph of the occurrence. It is thus submitted that it does not appear probable that the O.P. No.2 in absence of seeing photographs or video would have conceded to blackmailing of the petitioner for establishing physical relation.



7. It is also submitted that the FIR does not disclose the date and place where the petitioner had taken O.P. No.2 for the purposes of establishing physical relation.

8. The learned APP along with learned counsel appearing on behalf of the O.P. No.2 opposes the anticipatory bail application and submits that FIR is not an encyclopedia and it may a possibility that the informant while instituting the FIR was not in proper frame of mind and thus could not give the details of the occurrence on which the learned counsel for the petitioner submits that deliberately loopholes were left for filling it during the course of investigation, on which the learned counsel for the O.P. No.2 submits that in the event if the privilege of anticipatory bail is granted to the petitioner, the petitioner may abscond, on which the learned counsel for the petitioner submits that petitioner will not abscond, rather cooperate in the investigation.

9. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Chief Judicial Magistrate, Sasaram at Rohtas in connection with Sasaram (T) P.S. Case No.528 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

10. However, it is made clear that in the event if the Investigating Officer of the case files an application before the learned trial court bringing to its notice that petitioner despite giving assurance to this Court is not cooperating in the investigation, in that event, the learned trial court shall be at liberty to cancel the bail bond of the petitioner after giving him an opportunity of hearing.

11. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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