

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77749 of 2024

Arising Out of PS. Case No.-693 Year-2024 Thana- ALAMGANJ District- Patna

Rishabh Raj S/o Arvind Kumar Sinha R/O- Road No- 26, Rajiv Nagar,
Phulwari, P.S. - Rajiv Nagar, Distt.- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Yogesh Chandra Verma, Sr. Advocate
	:	Ms.Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr.Anant Kumar I, APP
For the Informant	:	Rajendra Narayan Sinha, Sr. Advocate
	:	Mr.Sarfaraz Akhtar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 2 25-11-2024 1. Heard learned Counsel for the petitioner and learned APP for the State.
2. This application, for grant of anticipatory bail, arises out of Alam Ganj PS case no. 693 of 2024, disclosing offences punishable under Section 376 & 377 of the Indian Penal Code.
3. The prosecution story, as per the First Information Report, is that in the month of February, 2024, the Bio-data of the informant was sent to the father of the petitioner for marriage purpose. Talks were going on between the family members regarding the marriage. In the meantime, the petitioner contacted the informant through Instagram and took her mobile number. Thereafter, petitioner and informant starting talking and



a friendly relationship was established between both of them. The informant was staying at Bangalore. The petitioner took the informant in confidence, promised her for marriage and requested for a meeting. The petitioner went to Bengaluru and stayed in a hotel, where informant visited him and she stayed along with the petitioner for three days. The petitioner established physical relationship with her for the said three days and even, indulged in unnatural act.

4. Learned Senior Counsel for the petitioner submits that upon perusal of the First Information Report, it is apparent that during the negotiation period between the families for marriage, the petitioner and informant developed friendly relationship and intimacy and established physical relationship. It is a case of consensual relationship between the two adults. Learned Senior counsel further submits that the alleged occurrence has taken place at Bengaluru from May, 2024 to June, 2024 and after failure of the marriage negotiation between the family members, the present F.I.R. has been lodged after delay of about 78 days at Patna. He next submits that the chats and interactions between the parties, which have been annexed along with this application at Annexure-P/3 would show the friendly and sexual relationship between the parties. The



petitioner and informant are highly educated and were fully aware about the repercussion of their act and with consent, they established relationship. Learned counsel also submits that the petitioner is working in I.T. Company at Patna namely Tata Consultancy Services and the informant was working in Bengaluru in I.T. Company. The breaking of marriage negotiation between the families led to the filing of the present F.I.R. Apprehending the same, the informant filed an informatory petition bearing informatory case no. 2096 of 2024 before the C.J.M. Patna on 01.07.2024. Thereafter, F.I.R. has been lodged on 14.08.2024. Lastly, it is submitted that there is no allegation that the petitioner has forcefully established sexual relationship with the informant.

5. On the other hand, learned Senior counsel for the informant opposed the prayer for anticipatory bail and submits that the petitioner obtained the consent from the informant on the pretext of marriage, which cannot be said to be consent in the eyes of law. Learned counsel further submits that from the very inception, the intention of the petitioner is not to perform marriage with the informant, as such, petitioner does not deserve the privilege of anticipatory bail.

6. I have heard learned counsel for the parties and



have gone through the materials on record. It is not disputed that marriage negotiation between the two families was going on and during that period, the petitioner and informant developed friendship and intimacy through social media. It appears from the chats that both parties were having cordial relations. What was consensual in the beginning cannot be said to be forceful relationship later on due to the fact that marriage negotiation failed between the two families.

7. Considering the totality of the facts, I am inclined to grant anticipatory bail to the petitioner.

8. This application is, accordingly, allowed.

9. Let petitioner, abovenamed, in the event of his arrest or surrender before the Court below within six weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Patna in connection with Alam Ganj PS case no. 693 of 2024, subject to the condition laid down under Section 438 (2) of the Code of Criminal Procedure.

(Anil Kumar Sinha, J)

rinkee/-

U		T	
---	--	---	--

