

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83144 of 2023

Arising Out of PS. Case No.-121 Year-2023 Thana- GOVINDPUR District- Nawada

SAHBAG YADAV @ SAHWAG KUMAR @ SAHWAG YADAV SON OF
BALRAM PRASAD YADAV R/O VILLAGE- DERA, P.S.- GOVINDPUR,
DIST.- NAWADA

... .. Petitioner/s

Versus

1. THE STATE OF BIHAR
2. TANNU RAJ D/O SANJAY KUMAR R/O VILLAGE- GOVINDPUR, P.S.-
GOVINDPUR, DIST.- NAWADA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Durgesh Nandan, Advocate
For the Opposite Party/s : Mr. Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 12-03-2024 Heard Mr. Durgesh Nandan, learned counsel for the

petitioner, Mr. Sumit Shekhar Pandey duly assisted by Mr.

Tarakant Rishi representing the informant as also Mr. Bharat

Bhushan, learned APP.

2. The petitioner is apprehending his arrest in
connection with Govindpur P.S. Case No. 121 of 2023 for the
offence under Sections 379, 506 and 34 of the I.P.C. and
Sections 66(E) and 67(A) of the I.T. Act, lodged on 05.06.2023
by the informant, Tannu Raj.

3. As per the prosecution story, the informant alleged
that she had gone to her maternal uncle's home in Kolkata to
attend a marriage where she met the petitioner, being an year
younger to her, she got introduced and were well known. The
further allegation is that on one fateful day, she was forcibly
taken on a vehicle and as she went missing, the father went to



the Police Station. In the meantime, the petitioner took her to Ranchi where forcibly he performed marriage. Later, the maternal uncle of the petitioner called him to Koderma and then to Nawada, Rs. 10,000/- was debited from her account whereafter a demand of Rs. 10,00,000/- was made failing which threat of killing was made. She did everything on coercion, the photographs were taken and later made viral on the Facebook. She was harassed mentally, physically and economically which followed the FIR.

4. Learned counsel for the petitioner submits that it was a pure relationship between two young individuals but due to the pressure of the family of the girl, this FIR has been lodged. Documents showing the exchange of letters between the petitioner and the informant have been brought on record by way supplementary affidavit, certain photographs are also part of the record. He submits that only on pressure from the family of the informant, she changed track and made statement against him forcing this petitioner to move before this Court for grant of anticipatory bail.

5. Learned counsel for the petitioner submits that earlier he had got a job in the Maruti Udyog Factory in Haryana but now that the FIR was lodged against him, he returned to



Bihar to face the music. Learned counsel for the petitioner further submits that he is ready to cooperate in the investigation/trial.

6. A counter-affidavit has also been filed on behalf of the informant narrating the story as also the allegation that the photographs were made viral.

7. Taking into account the submissions of the parties as also the supplementary-affidavit which are part of the record having letters of the informant, this Court wanted to know the facts of the case and accordingly, wanted the girl to appear pursuant to the order dated 07.03.2024. Ms. Tannu Raj appeared before this Court and alleged what she has narrated in the FIR. On a query, whether the letters addressed to the petitioner that have been made part of the supplementary affidavit has been written by her/belonged to her, the statement of the informant is in affirmative that some of the letters do have been written by her.

8. The allegations are there, FIR has been lodged. While the informant has alleged forcible marriage as also taking her money and uploading the photos on the website, learned counsel appearing on behalf of the petitioner submits that as they were in relationship with mutual consent and as the girl was major, they solemnized marriage, as usual as is in the case



with the young ones, he may have uploaded the photos on the website to show his love and affection towards the girl, under no circumstance would show demeaning the image of the girl. It is not the case that any provocative/explicit photo has been uploaded on the website.

9. Taking into account the aforesaid fact and after having gone through the affidavits as also the supplementary affidavit, this Court is conscious of the fact that it is only considering the grant of anticipatory bail of the petitioner. He is/was nineteen years of age at the time of case, do not have criminal antecedent, FIR has been lodged and will be cooperating in the investigation/trial as undertaken by the learned counsel for the petitioner, this Court deems it fit and proper to grant him the privilege of anticipatory bail with strict conditions.

10. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned SDJM, Nawada in connection with Govindpur P.S. Case No. 121 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) both the bailors should be the family member/relatives of the petitioner who shall provide official



documents to show their bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(v) the petitioner and/or is family members will not contact either the girl and/or her family members either through phone or personally and/or visit the place and violation of this condition will lead to cancellation of the relief granted to him, if the same is brought to the knowledge of the Court.

10. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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