

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84567 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- MAHILA P.S. District- Vaishali

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Vinay Kumar Son Of Sonelal Paswan R/O Village- Rahimapur (Auragachhi),
P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

1. The State of Bihar
2. Munchun Devi W/O Vinay Kumar R/O Village- Rahimapur (Auragachhi),
P.S.- Bidupur, District- Vaishali

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 21-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Mahila P.S. Case No. 44 of 2022 dated 08.12.2022, for the offence punishable u/s 376, 341, 323, 354B, 354C, 504, 506 and 34 of the Indian Penal Code and Sections 66(d) and 66(e) of the IT Act.

3. As per the prosecution case, the petitioner came into contact with the informant and started live in relationship with her. Further allegation that the petitioner prepared obscene videos of the informant and started uploaded the same on social media sites. When the informant insisted for marriage, the



petitioner fled away leaving her at the railways station and thereafter started threatening the informant.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. From the FIR it is clear that the informant is married and nowhere it has been mentioned that she has been divorced by her husband. It was a consensual relationship and therefore, no offence under Section 376 of IPC is made out against the petitioner. Learned counsel further submits that a compromise has taken place between the parties. The petitioner has got no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that there is specific allegation against the petitioner for committing fraud and making photos and videos of the informant and also making it viral.

6. Considering the aforesaid facts and circumstances of the case and considering the consensual nature of relationship between the parties and also considering the status of the petitioner, let the petitioner above named, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs.



20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned Court concerned, Vaishali in connection with Mahila P.S. Case No. 44 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Arun Kumar Jha, J)

Prakash/-

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