

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4149 of 2025

Arising Out of PS. Case No.-175 Year-2024 Thana- BELA District- Sitamarhi

=====

Mahesh Sahani @ Mahesh Kumar S/o Rambali Sahani R/o vill - Lakshmipur,
ward no. 2, P.S. - Bela, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner : Mr. Uday Kumar, Advocate

For the State : Mr. Narendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 24-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 341, 323, 376, 504 and 506 of the Indian Penal Code.

3. As per prosecution case, this petitioner used to call on the mobile phone of informant and recorded the conversations and thereafter started blackmailing on the basis of recorded calls and established physical relations with the victim. It is further alleged that when family members of informant went to the house of this petitioner and asked about the incident, they were abused and assaulted.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has committed no offence. Petitioner is uncle of informant and both



of them belonged to same ancestors and as such, the allegations leveled against the petitioner are unacceptable. As a matter of fact, prior to lodging of the present case, brother of this petitioner has filed an informatory petition bearing No. 456 of 2024 in the Court of learned Chief Judicial Magistrate, Sitamarhi mentioning about threats being made by the parents of informant and thereafter this false and concocted case has been lodged. As per F.I.R., petitioner used to talk to informant and recorded the same but thereafter informant got knowledge about petitioner, who is a married person and has four children but in spite of that, informant did not disclose about recordings or physical relations to her parents and both of them continued to have physical relations and lastly on 07.06.2024, this petitioner called the informant and established physical relations, which itself goes to show that the relationship was consensual and both enjoyed each other's company. The same cannot be said to be induced or involuntary. It is not the result of any misconception and as such the same would not amount to rape. The present F.I.R. has been lodged after inordinate delay of one and half months of the last occurrence and there is no plausible explanation for the same. Petitioner claims clean antecedents.



5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of anticipatory bail to the petitioner.

6. Considering the aforesaid facts and circumstances, nature of accusation, delay in lodging of the F.I.R. and clean antecedents of the petitioner, the prayer for grant of anticipatory bail to the petitioner is allowed.

7. Accordingly, in the event of arrest/surrender within a period of eight weeks from today, let the above named petitioner 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 learned S.D.J.M., Sadar, Sitamarhi in connection with Bela P.S. Case No. 175 of 2024, subject to condition as laid down under Section 482 of the B.N.S.S..

(Prabhat Kumar Singh, J)

shashank/-

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

