

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58410 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

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Aashutosh Kumar S/O Sanket Sah @ Saket Kumar Sah Resident of Village-
Aamgola, P.S. Kazi Mohammadpur, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Shanti Bhushan Singh, Advocate
For the State	:	Md. Ataur Rahman, APP
For the Informant	:	Mr. Raghvendra Kr. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

6 05-02-2025 Heard learned counsels for the parties.

2. The petitioner apprehends his arrest in a case registered for the offence punishable under Section 376 of the Indian Penal Code and Sections 66(C), 66(D) and 66(E) of the I.T. (Amended) Act.

3. The prosecution case, in brief, is that the informant along with her parents in February, 2020 came to Muzaffarpur to meet her aunt (*Bua*) but on account of lockdown, they had to stay there for 3 months where she came in contact with this petitioner. It is alleged that on the promise of marriage, this petitioner established physical relations with the informant. It is further alleged that after lockdown was over, informant went back to Katihar where this petitioner came to meet her several



times and on 05.05.2023 this petitioner brought the informant to Muzaffarpur and married her by putting *Sindoor* in presence of aunt of the informant and thereafter physically abused her for 15-20 days and also made inappropriate photographs and videos of the informant. Thereafter, parents of this petitioner came to house of aunt of the informant and started demanding Rs. 20,00,000/- and also threw chili powder in the eyes of the informant. It is lastly alleged that parents of this petitioner ousted the informant from their house and thereafter this petitioner posted some obscene photos and videos of the victim on the internet.

4. It is submitted by learned counsel appearing on behalf of the petitioner that petitioner is innocent and has falsely been implicated in this case with ulterior motive. From bare perusal of the F.I.R. it is apparent that at the time when the relationship developed, both parties were major and were capable of understanding the consequences of their actions. As a matter of fact the relationship was consensual and 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. It is further submitted that as per F.I.R., this petitioner took the informant from Katihar to Muzaffarpur on 05.05.2023 and



thereafter physically exploited her but no F.I.R. came to be instituted by the parents of the informant about her missing which demonstrates that the allegations are false and fabricated. As a matter of fact, on 11.05.2023, family members of the informant, along with some local relatives, kidnapped this petitioner and took him to Muktinath Mandir for solemnizing marriage with the informant but the temple management refused to solemnize the marriage and in this regard father of the petitioner has filed a complaint case bearing Complaint Case No. 1742 of 2023. Petitioner claims clean antecedents.

5. On the other hand, learned A.P.P. for the State and learned counsel appearing on behalf of the informant have vehemently opposed the prayer for grant of anticipatory bail to the petitioner and submitted that petitioner is named in the F.I.R. and there is specific accusation that on the false promise of marriage, this petitioner established physical relations with the informant. It is further submitted that after solemnizing marriage, this petitioner took inappropriate photographs and videos of the informant and later on made them viral. It is further submitted that the informant in her statement recorded under Section 164 of the Cr.P.C. has supported the prosecution case.



6. Considering the aforesaid facts and circumstances, specific and direct nature of accusation and statement of the victim recorded under Section 164 of the Cr.P.C., the prayer for grant of anticipatory bail to the petitioner is rejected.

(Prabhat Kumar Singh, J)

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