

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82823 of 2024

Arising Out of PS. Case No.-386 Year-2024 Thana- RAMKRISHNANAGAR District- Patna

Kunal Pandey Son of Sri Tripurari Pandey R/o Mahalla- Danapur Garikhana,
Road no.- 07, PS- Danapur, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Shivnandan Bharti, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Sarvesh Kashyap, Advocate
		Mr. Gautam Kumar, Advocate

CORAM: HONOURABLE JUSTICE SMT. SONI SHRIVASTAVA
ORAL ORDER

5 09-07-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest in connection with Ram Krishna Nagar P.S. Case No. 386 of 2024 for the offence under Sections 376 and 506 of the Indian Penal Code.

3. As per prosecution case, the informant states that she was in a friendly relationship with the petitioner Kunal Pandey and he had made physical relationship with the informant in absence of her parents and he had even taken her photos and made videos on account of which he was threatening the informant that he would make them viral. It is further alleged that on 03.06.2023, the petitioner once again called her to a garden and also established physical relationship with her.



There is also an allegation of demand of money from the victim girl on account of alleged photo and videos.

4. Learned counsel for the petitioner at the outset submits that the entire story is not correct as a matter of fact both the petitioner and the informant were in a friendly relationship as admitted by her in F.I.R itself. It has further been submitted that there is a substantial delay in lodging of present F.I.R after due thought and deliberation. The statement of the victim/prosecutrix under Section 164 Cr.P.C was recorded and in her statement she has not stated any fact about any establishing physical relationship or rape. She has only stated that she was friendly with the petitioner for the past one year and she further stated about making of some videos and threatening with regard to making them viral. Further medical examination report of the of victim/prosecutrix would show that there was no violence upon her and also no spermatozoa was found. He further submits that during course of investigation a pendrive was also looked into and upon perusal of the same, some whatsapp chats between the victim and the petitioner would appear and in one of the videos, the petitioner asked the informant to go her house. He further points out paragraph no. 57 of the case diary which has also been mentioned in bail



rejection order of the learned Court below that the petitioner and the victim/prosecutrix used to talk for hours with each other. In such view of the matter, it has been submitted that there was a consensual relationship between the petitioner and the victim/prosecutrix. The petitioner undertakes to co-operate in case/trial.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant on the ground that besides allegations against the petitioner, he is still threatening the victim/prosecutrix of dire consequence.

6. Taking into consideration the rival contentions of the parties and especially considering the fact that there is no allegation of any physical relationship in the 164 Cr.P.C statement of the victim and other materials which indicate a consensual relationship between two adults and also considering the fact that the petitioner is a student of Engineering College, it is directed that the petitioner, above named, in the event of his arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Ram Krishna Nagar P.S. Case No. 386 of 2024 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned Court below where the case is pending/successor Court, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure/Section 482(2) of the B.N.S.S, 2023 and subject to the further condition that:-

(I) One of the bailors of the petitioner shall be the family member/close relative of the petitioner.

(II) He shall co-operate in the investigation/trial.

(III) If any evidence of threatening or making any photographs and video of the informant viral is reported to the Court concerned, learned Court below would be at liberty to cancel the bail bonds of the petitioner.

(Soni Shrivastava, J)

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