

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83061 of 2024

Arising Out of PS. Case No.-25 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Ritik Paswan @ Ritik Kumar, Son of Panchanan Paswan, Resident of Village-
Khangawan, P.S.- Chandi, District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar
2. Sunita Devi, Wife of Guddu @ Nasaruddin, Resident of Village -
Khangawan, P.S. - Chandi, District - Bhojpur, Mayak Addr - Resident of Vil-
lage - Bajara Bairiya, P.S. - Sohadra, District -West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary, Advocate
For the Informant	:	Mr. Rana Bhupendra Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 10-01-2025 Heard Mr. Manoj Kumar, learned Advocate appearing on behalf of the petitioner and the learned Additional Public Prosecutor for the State. The opposite party no. 2 is also represented through Mr. Rana Bhupendra Narayan, learned Advocate.

2. The application for grant of bail to the petitioner who is in custody in connection with Mahila P.S. Case No. 25 of 2023 registered for the offence punishable under Sections 376, 120(B) and 34 of the Indian Penal Code.

3. Based upon the written report the prosecution alleges that the petitioner by putting the victim on threat of making her obscene video viral, has established physical



relationship. It is further alleged that later on, the petitioner tendered promise to solemnize marriage with her, and on the pretext of solemnization of marriage, continued with the physical relationship, but when the victim became pregnant, he left the victim and fled away. The entire incidence has been brought to the knowledge of the petitioner's family members; but they also refused to solemnize the marriage, and abused and deleted the photographs from her mobile.

4. Learned Advocate appearing on behalf of the petitioner submitted that from the narrations made in the FIR, it is evident that the victim was already a married lady whose marriage was solemnized with one Guddu @ Nasiruddin and thereafter she left him and started residing alone. The relationship even if as alleged in the FIR, appears to be consensual in nature. The character of the victim is also said to be questionable for the reason as has been stated in the bail application as well as supplementary affidavit; moreover, the victim lady has also instituted two cases under 498A/34 against two different persons and one another identical case as that of the present has also been instituted against one Dhiraj Kumar & Anr. It is the contention of the petitioner that the victim is in the habit of instituting frivolous cases in order to extort money.



5. On the other hand, learned Additional Public Prosecutor for the State as well as informant vehemently opposes the bail application and submits that on the pretext of marriage and making the obscene video viral, the victim was subjected to physical exploitation and when the pregnancy has taken place, the petitioner refused to solemnize marriage and thus, he is liable to be punished.

6. Regard being had to the submissions made on behalf of the parties and considering the materials available on record which exhibits, *prima facie*, that the relationship was consensual in nature, coupled with the submissions advanced on behalf of the petitioner that victim has instituted three cases against three different persons with the allegation of dowry demand and torture or outraging the modesty of a woman or committing sexual offence; as also the period of incarceration for more than a year, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-13th, Bhojpur at Ara in connection with Mahila P.S. Case No. 25 of 2023, subject to the condition that one of the bailors will be the close relatives of the petitioner with further



conditions which are as follows:-

- (i) The petitioner will cooperate in conclusion of the trial.
- (ii) He will remain present on each and every date of trial till disposal of the case.
- (iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.
- (iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.
- (v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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