

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45462 of 2026

Arising Out of PS. Case No.-46 Year-2024 Thana- PUNAURA District- Sitamarhi

Sachin Kumar Son of Krishna Kumar @ Kari Mahto Resident of Rampur
Parori PS -Panaura District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Akash Shankar, Advocates Mr. Raj Kumar, Advocates Mr. Nausheen Fatma, Advocates Ms. Archana Kushwaha, Advocates Mr. Raushan Kumar, Advocate
For the Opposite Party/s	:	Sri Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 3 22-07-2026 1. Heard learned counsel for the petitioner and learned A.P.P. for the State and learned counsel appearing on behalf of the informant.
2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 341, 323, 387, 354(B), 354(D), 504 and 506 of the Bharatiya Nyaya Sanhita, 2023.
3. The SHO and IO of the case were directed to remain physically present by order 15.07.2026, but since I.O. is carrying pregnancy hence the SHO has come in her place.
4. Learned counsel appearing on behalf of the petitioner submits that petitioner is a person with clean



antecedent and the informant alleges that victim is great grand daughter of his aunt (Bua) with consent of parents of the victim informant reared the victim in his house, further petitioner is his neighbor and father of the petitioner used to come to the house of the informant for purchasing milk, but, at times in absence of the father, the petitioner used to come for purchasing milk, it is next alleged that petitioner managed to obtain his family mobile number and used to talk to the victim, it is further alleged that petitioner once took picture of the victim from his mobile in a mall and thereafter, started blackmailing her on the pretext of getting her picture viral and thereafter, called her to the mall and took several inappropriate pictures and even forced to give her nude picture, further on 22.10.2024, petitioner came to his house and said something to the victim on which she stood up and petitioner was having mobile in hand and the same was witnessed by the informant who was sitting nearby, further on the same day, petitioner was hiding in the bushes of the tree in the house of the informant, but informant's son saw the petitioner, hence the petitioner fled, it is next alleged that on 25.04.2024 petitioner had dashed the victim on the ground and was on her top, but informant's wife saw him, thus he fled, but prior to that the petitioner had tried to commit rape, it is next



alleged that petitioner even left the village, but then sent obscene pictures of his with the victim on informant's Mobile No. 9431280215 and demanded extortion of Rs. 2 laths or else the photos would be made viral.

5. Learned counsel appearing on behalf of the petitioner submits that petitioner has been falsely implicated in the instant case by the informant, it is next submitted that from perusal of the allegations as alleged in the FIR, it would manifest that the same does not inspire confidence rather it appears that petitioner and the victim were in love, it is also submitted that petitioner and victim are neighbours and they used to talk to each other, but their relationship was being objected by the side of the informant on the ground that they belong to different caste, it is further submitted that it does not appear probable that petitioner would have come to the house of the informant and thereafter, would have tried to commit rape on the victim and that too in the bushes of a tree inside the house, it is also submitted that though informant alleges that obscene picture of the petitioner with the victim was sent on his mobile number, as such, the investigating Officer of the case was called for to assist the Court on the issue that as to whether any obscene picture of the victim went viral or was sent on the mobile number of the informant or not.



6. On query of the Court from the SHO that as to whether any obscene picture of the victim went viral or was sent on the mobile number of the informant or not, the SHO fairly submits that during the course of investigation, no obscene picture of the victim was found of having gone viral on social media nor any obscene picture was provided by the informant on his mobile, it is next submitted that mobile of the victim was provided to the Investigating Officer of the case, but then the messages were deleted, it is also submitted that CDR of the petitioner and the victim was investigated and it was found that they were in constant touch.

7. At this stage, learned counsel appearing on behalf of the petitioner draws the attention of the Court to Annexure- 3 to the anticipatory bail application to submit that from perusal of the photographs of the petitioner and the victim along with the mother of the petitioner, it would manifest that victim and the petitioner were very close to each other.

8. The Court queried from the SHO that what happened ultimately in the investigation, on which it is submitted that police after investigation submitted Final Form No. 86 of 2024 dated 28.04.2024 closing the case for want of evidence.



9. At this stage, learned A.P.P. for the State submits that after the final form was submitted, the learned Trial Court directed the police for further investigation and during the course of further investigation, statement of victim was recorded under Sections 180 and 183 BNSS, wherein she supported the case of the prosecution and even stated that petitioner tried to commit rape, on which the learned counsel appearing on behalf of the petitioner submits that statement of the victim was recorded under pressure of the informant and other family members, it is next submitted that petitioner is a young boy aged 25 years and the victim is also a major and they were in a consensual relationship, but since the relationship was being objected on the ground that they belong to different caste, as such, a false case came to be instituted, but police initially for want of evidence closed the case, but during the course of further investigation, the victim under family pressure recorded her statement under Section 183 BNSS, it is further submitted that if privilege of anticipatory bail is granted to the petitioner, the petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

10. After hearing the learned counsel for the parties and taking into consideration the submissions made by the



learned counsel for the petitioner and the fact that petitioner is a person with clean antecedent, the petitioner, above-named, in the event of his arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Trial Court where the case is pending/Successor Court in connection with Panaura P.S. Case No. 46 of 2024, subject to the conditions as laid down under Section 438(2) of the Cr.P.C./482(2) of the B.N.S.S.

11. However, it is made clear that, in the event, if the Investigating Officer of the case files an application before the learned Trial Court bringing to its notice that petitioner despite giving assurance to this Court is not co-operating in the investigation, in that event, the learned Trial Court shall be at liberty to cancel the bail bonds of the petitioner.

12. This application stands allowed.

(Satyavrat Verma, J)

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