IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71770 of 2026

CNR No. BRHC011024162026

Arising Out of PS. Case No.-145 Year-2026 Thana- Chitragupta Nagar District- Patna

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Arun Kumar S/o Paras Gope @ Paras Yadav Resident Village - Belghana, PS - Chandi Belghana, Dist. - Nalanda.

... ... Petitioner/s

Versus

1. The State of Bihar
2. Anita Kumari W/o Pappu Kuamar Singh At present R/o Old Plastic, Pipe Factory Campus, Mhatama Gandhi Nagar, B.H. Colony, Kankarbagh, Patna.

... ... Opposite Party/s

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Appearance :
For the Petitioner/s : Mr.Ramakant Sharma, Sr. Advocate
Mr. Adarsh, Advocate
Mr. Ayushman Singh, Advocate
Mr. Kunal, Advocate
For the Opposite Party/s : Mr.Tapeshwar Sharma,APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 27-10-2026 1. Heard learned Senior counsel for the petitioner Shri Ramakant Sharma and learned A.P.P. for the State Mr. Tapeshwar Sharma and learned counsel appearing on behalf of the informant Mr. Satish Kumar Pandey.

2. The petitioner apprehends his arrest in a case registered for the offences punishable under Sections 64, 123, 351(2) of the Bharatiya Nyaya Sanhita.

3. Learned counsel appearing on behalf of the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that her husband is in SSB

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and she stays on rent at Patna with a child for his studies, further petitioner is also posted with SSB and is her husband's friend, next alleges that on 05.11.2025 at 10:08 AM he came and pressurized her to meet his parents, thereafter she accompanied him, but petitioner took her somewhere and made her eat sweets and gave water to drink, on account of which she felt dizzy, thus requested the petitioner to drop her home, but petitioner took her to a hotel near Commerce College, namely, Navrangi Hotel and committed rape and made obscene video and thereafter, dropped her home at 07:30 PM, next alleges that in the hotel, the entry was made by a 13 years old child, it is further alleged that petitioner is pressurizing her to establish physical relation or the video would be made viral and her husband and child would be killed.

4. Learned Senior Counsel appearing on behalf of the petitioner at the outset submits that adultery is not an offence, it is further submitted that form perusal of the allegation as alleged in the FIR, it would manifest that the same does not inspire confidence that petitioner committed rape of the informant, it is next submitted that relationship in between petitioner and the informant was consensual, it is also submitted that from perusal of the allegation as alleged in the FIR, it

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would manifest that informant alleges that her husband is posted with SSB and she was staying alone at Patna with her child for his studies and petitioner who is also posted in SSB is a friend of her husband and he came to her house and asked her to meet her parents, thereafter she accompanied the petitioner, but petitioner instead of taking her to her parents place made her roam around here and there and thereafter, made her eat sweets and gave water to drink on account of which she felt dizzy. It is next submitted that it does not appear probable that informant would not have known where the petitioner had taken her where she was made to eat sweets and drink water, it is also submitted that informant alleges that after having sweets and drinking water, she felt dizzy, hence requested the petitioner to drop her home, but then petitioner instead of dropping her home took her to a hotel and committed rape and videographed the occurrence, it is next submitted that had the informant been made to eat sweets or given water to drink on account of which she felt dizzy in that event, she would not have known to which hotel she was brought and that the occurrence of intimacy was videographed by the petitioner. It is also submitted that it does not appear probable that petitioner would have made a video of the occurrence when both indulged in the act, it is further

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submitted that whenever a consensual relationship sours, a false case of rape or threat is alleged. It is next submitted that though informant alleges that petitioner shot the video of the occurrence, but then during the course of investigation, no such video surfaced. It is also submitted that had the petitioner committed rape of the informant, in that event, the informant would have instantly disclosed about the occurrence to her husband, but then the same was not done. It is further submitted that since husband came to know about the relationship, thereafter the instant false case came to be instituted. It is fairly submitted that such act cannot be supported by any stretch of imagination, but then consensual relationship in between two consenting adults is not an offence. It is also submitted that even the FIR came to be instituted after six months of the occurrence.

5. Learned A.P.P. for the State and learned counsel appearing on behalf of the informant opposes the prayer for anticipatory bail of the petitioner, but then are not in a position to rebut the submissions of the learned Senior Counsel appearing on behalf of the petitioner that informant in the FIR does not disclose that where petitioner took her when he had asked her to accompany him for meeting his parents nor the informant disclosed about the occurrence to her husband

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instantly when such an occurrence was committed and also if the informant was made to eat sweets and drink water on account of which she became dizzy/unconscious, then how she could remember so vividly where she was taken and who made entry in the hotel register.

6. At this stage, the learned APP for the State submits that if privilege of anticipatory bail is granted, the petitioner may try to tamper with the evidence or abscond, on which the learned Senior Counsel for the petitioner submits that if privilege of anticipatory bail is granted, the petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

7. After hearing learned counsel for the parties and taking into consideration the submissions made by the learned Senior Counsel appearing on behalf of the petitioner, 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 Chitragupta Nagar P.S. Case No. 145 of 2026 subject to the conditions as

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laid down under Section 482 (2) of the BNSS.

8. 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.

(Satyavrat Verma, J)

Nitesh/-

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