

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40409 of 2020**

Arising Out of PS. Case No.-15 Year-2020 Thana- MAHILA PS District- Aurangabad

Akhilesh Singh @ Akhilesh Kumar, aged about 35 years, Male Son of Hiranandan Singh, Resident of village- Yadavpur, PO- Pirouta, PS- Ara Mufassil, District- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N K Agrawal, Senior Advocate with Mr. Uday Kumar, Advocate
For the State	:	Mr. Rajendra Nath Jha, APP
For the Informant	:	Ms. Mukul Kumari, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 03-08-2021

The matter has been heard *via* video conferencing.

2. The case has been taken up out of turn on the basis of motion slip filed by learned counsel for the petitioner on 29.07.2021, which was allowed.

3. Heard Mr. N K Agrawal, learned senior counsel along with Mr. Uday Kumar, learned counsel for the petitioner; Mr. Rajendra Nath Jha, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Ms. Mukul Kumari, learned counsel for the informant.

4. The petitioner apprehends arrest in connection with Aurangabad Mahila PS Case No. 15 of 2020 dated 16.07.2020,



instituted under Sections 420, 376 and 506 of the Indian Penal Code.

5. The allegation against the petitioner is that the informant was earlier married to Munna Singh, who died in the year 2016, leaving behind two children aged 6 and 4 years and then she came in contact through Facebook with the petitioner and both are said to have fallen in love. Further, it has been stated that the petitioner, who is a constable in the Border Security Force, called her to Mughalsarai on 24.10.2019 and there she lived and also had physical relationship. The informant has stated that the next day, the petitioner had put vermilion on the forehead of the informant in a temple and they were in regular touch on mobile and further that on 21.06.2020, the petitioner had come to Aurangabad and lived with her for 10 days and went back on 01.07.2020 and when on 02.07.2020, she contacted the petitioner on his mobile, he disclosed that he was already married and he also threatened her.

6. Learned counsel for the petitioner submitted that from the FIR, it transpires that it was the informant who had pursued the relationship with the petitioner and further that she was fully aware of the circumstances. It was submitted that because there may have been some contact between the parties but



that was purely consensual and the informant was trying to extract money from the petitioner due to which she has lodged this false case. It was submitted that the petitioner has no other criminal antecedent.

7. Learned APP submitted that the informant being a young widow, could not have entered into a casual relationship and from the circumstances, it is clear that false assurance was given and the petitioner had physically abused the informant.

8. Learned counsel for the informant submitted that she being the mother of two children, could not have entered into such relationship as it is against natural human behaviour and further that there was no occasion for the petitioner to put vermilion on her forehead in a temple as that was what had made her confident that the petitioner had married her. Further, it was submitted that her family members are aware of the development and now she is being disowned by them and is isolated in her family also for having developed relationship with the petitioner. It was further submitted that the conduct of the petitioner was from the beginning not *bona fide* as he only wanted to have physical relationship with the informant.



9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to grant pre-arrest bail to the petitioner.

10. Accordingly, the petition stands dismissed.

11. However, in view of submission of learned counsel for the petitioner, it is observed that if the petitioner appears before the Court below and prays for bail, the same shall be considered on its own merits, in accordance with law, without being prejudiced by the present order.

(Ahsanuddin Amanullah, J.)

P. Kumar

AFR/NAFR	
U	
T	

