

GAHC010258882024



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : AB/3180/2024

AMAN PRASAD GUPTA @ AMAN GUPTA
S/O LATE KAMAKHYA GUPTA,
RESIDENT OF TITABAR CHARIALI, PS TITABAR, DIST JORHAT, ASSAM
785630

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR. A SAIKIA, B DEKA, MR. A S ALI, MR. N K DAS

Advocate for the Respondent : PP, ASSAM, MR. S ISLAM (INFORMANT), MR A HAWARI (INFORMANT)

:: BEFORE ::

HON'BLE MR. JUSTICE PARTHIVJYOTI SAIKIA

O R D E R

05.12.2024

Heard Mr. A. Saikia, the learned counsel appearing for the petitioner. Also heard Mr. D. Das, the learned Addl. Public Prosecutor, Assam. Mr. A. Hawari, the

learned counsel appears for the informant.

2. This is an application under Section 482 of the BNSS, 2023 praying for pre-arrest bail in respect of Titabar P.S. Case No.86/2024 under Sections 318(2)/69 of the BNS, 2023.

3. For a long period of 9 years, the informant girl was having relationship with the present petitioner. During that period, they had physical relationship regularly. He also promised her to marry. But subsequently she came to know that the petitioner had a ring ceremony for marriage with another girl. When the informant asked for an explanation, the petitioner allegedly told her that because of pressure from the family, he had to agree to his marriage with other girl.

4. I have considered the submissions made by the learned counsel of both sides.

5. It is a settled position of law that a simple promise to marry without anything more does not give rise to the concept of misconception of fact. Therefore, under the given circumstances, the petitioner does not deserve to be detained in custody. His bail application is allowed.

6. It is hereby directed that in the event of arrest in connection with Titabar P.S. Case No.86/2024 under Sections 318(2)/69 of the BNS, 2023, the petitioner Aman Prasad Gupta @ Aman Gupta shall be released on bail of ₹20,000/- with a surety of like amount to the satisfaction of the arresting authority.

7. The petitioner shall co-operate with the police investigation as and when called for.

With the above direction, the present application for bail is disposed of.

JUDGE

Comparing Assistant