

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3215 of 2023

Arising Out of PS. Case No.-5 Year-2022 Thana- MAHILA P.S. District- Rohtas

JAYBAHADUR SINGH @ ARVIND KUMAR SON OF SRI RAMADHAR
SINGH R/O VILLAGE- BELADHI, P.S.- KACHAWAN, DISTRICT-
ROHTAS

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.D.K.Sinha, Sr. Advocate Mr.Alexander Ashok, Advocate
For the Opposite Party/s	:	Mr.Anant Kumar I, APP
For the Informant	:	Mr.Rajesh Kumar Chaubey, Advocate

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 12-07-2023 Heard learned Senior Counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner apprehends his arrest in a case registered
for the offence punishable u/s 376, 506 and 34 of the IPC.

Prosecution case in brief is that, the petitioner offered for
marriage with the informant whereupon she asked the petitioner
for consent of his family members. His family members assured
them that marriage will be solemnized in next 2-3 years.
Thereafter, the petitioner and the informant developed sexual
intimacy and on several occasions, they established physical
relationship but subsequently, the petitioner and his family
refused to solemnize marriage.



It is submitted by learned Senior Counsel for the petitioner that petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case due to grudge. No such occurrence, in the manner as alleged, has ever taken place. It is submitted that the victim is a major, which is clear from the impugned order itself. Learned Senior Counsel for the petitioner has placed reliance upon the judgment of the Apex Court in the case of ***Mandar Deepak Pawar v/s The State of Maharashtra & Anr. (Criminal Appeal no.442 of 2022)*** and submits that the Apex Court quashed the said rape case and differentiated between a false promise to marriage and a breach of promise which is made in good faith but subsequently not fulfilled. It is submitted that the facts of this case is similar to the case of ***Mandar (supra)*** case. Petitioner has no criminal antecedent.

Learned APP for the State as well as learned counsel for the informant opposed the prayer for bail by submitting that the said relationship existed from the age the victim was a minor.

Having regard to the facts and circumstances of the case, considering that the victim is a major and keeping in view the judgment of the Apex Court in the case of ***Mandar (supra)***, let the above named petitioner, be released on bail, in the event of



his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Mahila P.S. Case No.05 of 2022, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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