

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21310 of 2023

Arising Out of PS. Case No.-58 Year-2022 Thana- BALIGAON District- Vaishali

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MINA DEVI WIFE OF LATE RAJENDRA THAKUR RESIDENT OF
VILLAGE- BELA BUJURG, PS- BALIGAON, DISTT- VAISHALI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 22-05-2023 Learned counsel for the petitioner is permitted to

remove defect (s), as pointed out by the office, if any, within a

period of four weeks on resumption of physical mode.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

The petitioner has preferred this application for grant

of regular bail in connection with Baligaon P.S. Case No. 58 of

2022 dated 5.6.2022 registered for the offences punishable u/s

341, 323, 313, 376, 504, 506/34 of the Indian Penal Code.

As per the prosecution case, the informant married

one Chhotu Rajak who left her after the marriage. Further, she

met a boy namely Dipak Kumar who allured her and started

making physical relations with her and as a result of which she

got pregnant. Further, the accused and his family members took

the girl in the hospital and got her aborted. She was also kept at



the house of the petitioner.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that the petitioner is a lady. Learned counsel for the petitioner placed reliance on the judgment in the case of **Mandar Deepak Pawar Vs. State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022)** in which 'a distinction was made between a false promise to marriage which is given on understanding by the maker that it will be broken and a breach of promise which is made in good faith but subsequently not fulfilled'. The victim is a major girl. Both the parties chose to have physical relationship of their own will. The petitioner has got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 10.12.2022.

Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of



the like amount each to the satisfaction of learned Court
concerned, Vaishali at Hajipur in connection with Baligaon P.S.
Case No. 58 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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