

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.23850 of 2023

Arising Out of PS. Case No.-63 Year-2022 Thana- ISUAPUR District- Saran

Rambabu Manjhi Son Of Surendra Manjhi Resident Of Village - Atanand,
P.S.- Isuapur, District - Saran At Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh, Advocate

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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

ORAL ORDER

2 24-05-2023 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 Isuapur P.S Case No. 63 of
2022 dated 03.04.2022 registered for the offences punishable u/s
376, 498A, 420 and 120B of the Indian Penal Code and Section
3 and 4 of POCSO Act.

As per the prosecution case, the petitioner is alleged
to have made physical relationship with the victim on the
pretext of marriage and he refused to marry her.

Learned counsel for the petitioner has submitted that
the petitioner is innocent and has falsely been implicated in this
case. Learned counsel further submitted that both the parties
choose to have physical relationship of their own will. It is



further submitted that the victim is a major girl. 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 petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 18.01.2023.

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, Saran at Chapra in connection with Isuapur P.S. Case No. 63 of 2022.

The application stands allowed.

Atul/-

(Chandra Prakash Singh, J)

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