

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22849 of 2023**

Arising Out of PS. Case No.-444 Year-2021 Thana- BHOORE District- Gopalganj

MD. AJMER @ AJMER HUSSAIN @ AJMER Son of Late Salim Miya
Resident of village-Kalyanpur, P.S.-Bhore, District-Gopalganj

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Javed Aslam
For the Opposite Party/s	:	Mr. Pawan Kumar Chaurasia
	:	Mr. Pankaj Kumar Dubey

**CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER**

4 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State assisted by learned counsel for the informant.

2. The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 420, 406, 376, 120(B)/34 of the Indian Penal Code pending in the learned court below.

3. As per the prosecution case, petitioner is said to have established physical relationship with the victim girl.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. He further submits that the victim girl is a major (22 years) and with the consent of the victim girl the said relationship was developed. He submits that there is no documentary evidence to show that the prosecution party gave Rs.50,000/- to the co-accused Rajida Khatoon. He relies upon the judgment of Hon'ble Apex Court passed



in the case of “*(Mandar Deepak Pawar V/s. The State of Maharashtra & Anr. (Criminal Appeal No. 442 of 2022))*” whereby the Hon’ble Apex Court observed that there is a distinction between a false promise to marriage and a breach of promise which is made in good faith but subsequently not fulfilled. He submits that petitioner have got no criminal antecedent as stated in para-3 of the bail application.

5. Learned APP for the State along with learned counsel for the informant opposes for prayer for bail.

6. Considering the aforesaid facts and circumstances and the judgment of the Hon’ble Apex Court passed in *Mandar Deepak Pawar (supra)* case, let the petitioner, named above, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail, on furnishing bail bond of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount to the satisfaction of the learned Court below, where the case is pending/Successor court, in connection with Bhore P.S. Case No. 444/2021, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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