

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40443 of 2023

Arising Out of PS. Case No.-364 Year-2022 Thana- SHRIKRISHNAPURI District- Patna

Vaibhav Kumar @ Vaibhav @ Ravish S/O Sharad Chandra Sarraf Resident
Of Sukh Sagar Vatika D. N. Das Lan Bangali Akhara Machhua Toli Ps
Kadamkuan District Patna

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Farida Akhtar D/O Late Wali Mohammad Dar R/O Village- Bonpura, Ps.
And Dist.Anant Nag, State-Jammu And Kashmir At Present Residing At
House No. 121, West Anandpuri, Ps. Shri Krishnapuri, Dist. Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Lakshmi Kant Sharma, Advocate
For the Opposite Party/s :	Mr.Md. Matloob Rab, APP
For the Informant :	Mr. S.M. Ashraf , Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-06-2023 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 Shri Krishnapuri P.S. Case
No. 364 of 2022 dated 09.09.2022 registered for the offences
punishable under Sections 315, 498A, 493, 376, 341, 323, 504
and 506 read with 34 of the Indian Penal Code.

As per the prosecution case, the informant was



married to the petitioner in November 2013, after three year of their friendship. The informant came to Patna with her husband. In the meantime, she became pregnant and the petitioner began to pressurize her for termination of her pregnancy but she gave birth to a child.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Both the parties chose to have physical relationship. The informant is a major woman who knows the consequence of the act of the petitioner. 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". There is no allegation of demand of dowry against the petitioner as per the F.I.R. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.03.2023.

Learned A.P.P. for the State as well as the learned counsel for the informant have 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, Patna in connection with Shri Krishnapuri P.S. Case No. 364 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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