

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43458 of 2023

Arising Out of PS. Case No.-9 Year-2023 Thana- JAMALPUR District- Darbhanga

MD. SUFIYAN RAYEEN @ MD. ABU SUFIYAN RAIN S/O SHAKEEL
RAYEEN @ KARI RAIN R/O VILLAGE- BAURAM, PS. JAMALPUR
(BADGAON O.P.), DIST. DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Jha

For the Opposite Party/s : Mr.Md. Mushtaque Alam

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

ORAL ORDER

2 27-07-2023

1. 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.

2. Heard learned counsel for the petitioner and learned A.P.P. for the State.

3. The petitioner has preferred this application for grant of regular bail in connection with S.T. No. 295 of 2023 arising out of Jamalpur (Badgaon O.P.) P.S. Case No. 09 of 2023 dated 11.2.2023 registered for the offence punishable u/ss 376, 504, 506 of the Indian Penal Code.

4. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the pretext of marriage.



5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the victim is a major girl and both the victim and the petitioner chose to have sexual intercourse of their own will. Learned counsel for the petitioner has placed reliance on the judgment of the Apex Court in the case of **Mandar Deepak Pawar Vs. The State of Maharashtra & Anr.** passed in **Cr. Appeal No(s). 442/2022; 27th July, 2022** in which the Hon'ble Supreme Court has held that “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 11.2.2023.

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

7. 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, Darbhanga in connection with S.T. No. 295 of 2023
arising out of Jamalpur (Badgaon O.P.) P.S. Case No. 09 of
2023.

8. The application stands allowed.

(Chandra Prakash Singh, J)

Ajay Singh/-

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