

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53161 of 2023

Arising Out of PS. Case No.-94 Year-2023 Thana- BHAWANIPUR District- Purnia

SAURAV KUMAR S/o Rajendra Yadav Resident of Village-Bidi Ranpal,
P.S.-Udakishunganj, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Chandra Sen Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 14-09-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

2. The petitioner apprehends his arrest in a case registered
for the offences punishable under Sections 376 and 394 of the
Indian Penal Code.

3. The allegation against the petitioner is that on the pretext
of marriage, he committed rape against the informant and in
panchayati he agreed to solemnize marriage with her but later
on he fled away.

4. It is submitted by learned counsel for the petitioner that
no such occurrence as alleged ever took place. He has been
falsely implicated in this case due to dirty village politics. It is
further submitted that the petitioner and informant, both are
major and there is question of committing rape against her



rather it was consensual cohabitation. In this connection, learned counsel for the petitioner relied upon a judgment of the Hon'ble Apex Court in the case of **Mandar Deepak Pawar vs The State of Maharashtra and Anr.** (Criminal Appeal No.442 of 2022) in which the Hon'ble Apex Court has been pleased to held that there is distinction between a false promise to marriage and a breach of promise which is made in good faith but, subsequently, not fulfilled. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case as also the fact that informant is major, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Bhawanipur P.S. Case No. 94 of 2023, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

Trivedi/-

U		T	
---	--	---	--

