

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55814 of 2022

Arising Out of PS. Case No.-1454 Year-2021 Thana- COMPLAINT CASE District- Araria

Md. Imtiyaz @ Md. Imtiyaj Alam @ Md. Imtaz Son Of Md. Wali Resident Of
Village - Bardaha Ward No.- 06, P.S.- Narpatganj, District - Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Bibi Fatma Wife of Md. Kamsin Mian Resident of village - Nathpur Ward
No.- 11, P.S.- Narpatganj, District - Araria.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Singh, Advocate
		Mr. Mukesh Kumar Rana, Advocate
For the Opposite Party/s	:	Mr. Satya Nand Shukla, A.P.P.

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

ORAL ORDER

3 30-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 493 of the Indian
Penal Code.

As per the prosecution case, the complainant daughter
aged about 19 years who is dumb, fell in love with the petitioner
and became pregnant. When *panchayati* was held, the petitioner
promised to marry her but later on the petitioner denied to marry



her. The victim was aware of the consequences of the act.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. Learned counsel has submitted that the victim is an adult women who had consensually chosen to have sexual relationship with the petitioner. Learned counsel has relied on the judgment of the Hon'ble Supreme Court in the case of in **Pramod Suryabhan Pawar v. State of Maharashtra & Ors., (2019) 9 SCC 608** 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 is god faith but subsequently not fulfilled.

Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Araria in connection with Complaint Case Case No. 1454C of



2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with a condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the prosecution will be at liberty to move for cancellation of his bail bond .

The application stands allowed.

(Chandra Prakash Singh, J)

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