

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59123 of 2023

Arising Out of PS. Case No.-44 Year-2022 Thana- RASULPUR District- Saran

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SURESH PARSAD @ SURESH KUMAR PRASAD son of Kanhaiya Prasad
Village- at- Hardeara Ps- Darounda Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shashi Shekhar Tiwary, Adv.

For the Opposite Party/s : Mr.Ram Naresh Ray, APP

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

ORAL ORDER

3 12-12-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Rasulpur P.S. Case No. 44 of 2022 dated 26.02.2022 registered for the offences punishable u/ss 376 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the false promise of marriage. It is further alleged that the petitioner refused to marry with the informant and finalized his marriage with another lady.

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The



victim is a major girl who knows the consequence of the act of the petitioner. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship of their own will. 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”. The petitioner has no criminal antecedent as stated at para 3 of the bail petition.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and submitted that the victim is a major girl.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation against the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 the learned court concerned, Saran at Chapra in connection with Rasulpur P.S. Case No. 44 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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