

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59744 of 2023

Arising Out of PS. Case No.-71 Year-2023 Thana- DHORAIYA District- Banka

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Jitendra Kumar @ Jitendra Kumar Singh Son Of Karu Singh Resident Of
Village-Kusmi, P.S.-Dhoraiya, District-Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar @Deepak Sahay

For the Opposite Party/s : Mr.Ram Priya Sharan Singh

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

ORAL ORDER

2 27-09-2023 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.

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

3. The petitioner is apprehending his arrest in
connection with Dhoraiya P.S. Case No. 71 of 2023 dated
24.03.2023 registered for the offences punishable under
Sections 420 and 376 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 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". The petitioner has no criminal antecedent as stated in para 3 of the bail petition.

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

7. 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, Banka in connection with Dhoraiya P.S. Case No. 71 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.



8. The application stands allowed.

(Chandra Prakash Singh, J)

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