

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73241 of 2023

Arising Out of PS. Case No.-89 Year-2022 Thana- MAHILA PS District- Gaya

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Gulshan Kumar S/O Barho Mistri Village- Lakhaipur Tola Karorpati Ps
Mohanpur Dist- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. Jyoti Sharma Daughter Of Shivpujan Sharma Resident Of Gram Kujapi, Ps-
Chandauti, Dist- Gaya

... .. Opposite Party/s

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For the Petitioner/s	:	Mr.Arya Achint, Advocate
		Ms. Shashi Priya, Advocate
For the Opposite Party/s	:	Mr.Akhileshwar Dayal, APP

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

ORAL ORDER

2 29-11-2023 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 Mahilla P.S. Case No. 89 of 2022 dated 18.10.2022 registered for the offences punishable u/ss 376, 493, 504 read with section 34 of the Indian Penal Code and u/s 3/4 of the Dowry Prohibition Act.

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

4. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no concern with the alleged offence. As per medical report, there is no injury on her body or any sign of present sexual



assault. 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 A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. 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 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, Gaya in connection with Mahilla P.S. Case No. 89 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)

Gautam/-

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