

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64876 of 2023

Arising Out of PS. Case No.-58 Year-2021 Thana- MAHILA P.S. District- Muzaffarpur

Md Gulfam S/O Mohammad Nasir @ Md. Nasir R/O Village- Asnagar, Ps.
Kanti, Dist. Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bela Singh, Advocate

For the Opposite Party/s : Mr.Mohammad Sufyan, APP

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

ORAL ORDER

2 01-11-2023 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 Mahila P.S. Case No. 58 of 2021 dated 17.06.2021 registered for the offences punishable under Sections 341, 342, 376, 493, 312, 313, 504, 323 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner is alleged to have committed rape on the informant on the pretext of the marriage.



5. 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 in para 3 of the bail petition. There was love affairs between the parties. 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 victim in her statement recorded u/s 164 of the Cr.P.C has not support the prosecution case.

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,
Muzaffarpur in connection with Mahila P.S. Case No. 58 of
2021, 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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