

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73071 of 2023

Arising Out of PS. Case No.-13 Year-2023 Thana- MAHILA P.S. District- Araria

Ravindra Kumar Mandal Son Of Akeshwar Mandal Resident Of Village-
Lakhora Ward No. 01, Police Station- Palasi, District- Araria

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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

ORAL ORDER

2 23-11-2023 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 a case in connection with Araria Mahila P.S. Case No. 13 of 2023 dated 19.04.2023 registered for the offence/s punishable u/ss 341, 323, 376, 379, 504 and 506 read with section 34 of the Indian Penal Code and sections $\frac{3}{4}$ of the Dowry Prohibition Act.

4. As per the prosecution case, the petitioner is alleged to have committed sexual assault on the informant on the pretext of marriage and the petitioner did not solemnize marriage and



the family member of the petitioner started demanding Rs. 10,00,000/- and a motorcycle as dowry for solemnizing marriage.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The medical board assessed the age of the victim girl is 18-20 years. 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. As per medical report, there is no fresh sign of 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.

6. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition 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 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 Araria Mahila P.S. Case No. 13 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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