

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73089 of 2023

Arising Out of PS. Case No.-186 Year-2023 Thana- BHABHUA District- Kaimur (Bhabua)

Kumar Rishiraj @ Kumar Rishi Raj S/O Late Lalan Prasad R/O Village Dai Bigha, P.S.- Narhat, Dist.- Nawada. Presently Posted As Sub-Inspector, Bargachhi O.P., District- Araria

... .. Petitioner/s

Versus

1. The State of Bihar
2. Xsk D/O Late Vrijnandan Prasad, W/O Ajay Kumar R/O Village- Ghostama, P.S. Kadirganj, Dist. Nawada. Presently Posted As Lady Constable, In Circle Inspector Office, Chainpur, P.S. Chainpur, District- Kaimur At Bhabhua

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dinkar Kumar, Advocate
For the Opposite Party/s : Mr.Md. Nazir Ansari, 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 connection with Bhabhua P.S. Case No. 186 of 2023 registered for the offences punishable under Sections 376, 420, 406, 120B/34 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 is innocent and has falsely been implicated in this case. It is further submitted that informant is a major girl, and both the parties are employed as the police personnel and they have full knowledge of the act done by them. They chose physical relation with their own sweet 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”

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

7. Considering the aforesaid facts and circumstances of the case as well as submissions of the parties, let the above named petitioner, in the event of his arrest/ surrender within six weeks from the date of receipt of this order to the court concerned, be released on anticipatory bail on furnishing bail bonds of Rs 20,000/- (twenty thousand) each with two sureties



of the like amount each to the satisfaction of the Learned Chief
Judicial Magistrate, Bhabhua, Kaimur in Bhabhua P.S. Case No.
186 of 2023 subject to condition as laid down under Section
438(2) of the Cr.P.C.

(Chandra Prakash Singh, J)

N.K/-

U		T	
---	--	---	--

