

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70928 of 2022**

Arising Out of PS. Case No.-2 Year-2022 Thana- RUDRAPUR District- Madhubani

Surshit Jha @ Surshit Kumar Jha Son Of Sonelal Jha @ Sonekant Jha R/O
Village- Mahrail, P.S.- Rudrapur, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha, Advocate.

For the Opposite Party/s : Ms. Sharda Kumari, APP.

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

2 05-04-2023 Learned counsel for the petitioner is permitted to remove defect(s), as pointed out by the office, if any, within a period of four weeks from today.

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

The petitioner seeks regular bail in connection with Rudrapur P. S. case No. 02 of 2022 dated 05.01.2022 registered for the offences punishable under Sections 420 and 376 of the Indian Penal Code.

As per the prosecution case, the petitioner is alleged to have established sexual relationship with the informant on the pretext of marriage. When the informant asked him to marry her, the petitioner refused to do so. Thereafter, the said information was given by the informant to the family members



of the petitioner then the family members of the petitioner said the informant to forget all these thing. It is further alleged that the brother of the petitioner namely Harshit Kumar tore the cloth of the informant and also threatened her.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. Learned counsel has further submitted that both the parties have chosen to sexual relationship of their own free will without marriage and the victim was a major girl who was fully aware of the act done by her. Learned counsel for the petitioner has placed reliance on the judgement of the Apex Court in the case of **Mandar Deepak Pawar Vs. The State of Maharashtra & Anr.** passed in **Cr. Appeal No(s). 442/2022; 27th July, 2022** in which the Hon'ble Supreme Court has held that "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 got clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.08.2022.

Learned A.P.P. for the State has vehemently opposed



the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to 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 learned Court concerned, Madhubani in connection with Rudrapur P. S. case No. 02 of 2022.

The application stands allowed.

(Chandra Prakash Singh, J)

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