

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74683 of 2023

Arising Out of PS. Case No.-338 Year-2023 Thana- SHRIKRISHNAPURI District- Patna

Kisalay Kumar Son Of Mr. Ram Ratan Sahu R/O Vill - Bhapatiyahi, P.S. -
Laukahi, Distt. - Madhubani

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Pravin Kumar, Advocate Mrs. Vaishnavi Singh, Advocate
For the Informant	:	Mr. Rakesh Kumar Sharma, Advocate Mr. Rabindra Kumar, Advocate Mr. Amresh Kumar, Advocate Ms. Pravina Kumari, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

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

ORAL ORDER

4 06-12-2023 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

counsel for the informant as well as Additional Public

Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in

connection with Srikrishanpuri P.S. Case No. 338 of 2023 dated

22.07.2023 registered for the offence/s punishable u/s 376 of the

Indian Penal Code and section 3/4 of the Dowry Prohibition Act.

4. As per the prosecution case, the petitioner is alleged



to have misbehaved and committed wrong with the informant by administering intoxicated cold drink. After waking up, the informant found herself in half naked condition and when she confronted the petitioner about the said act, the petitioner admitted his guilt and offered to marry her. It is further alleged that the petitioner on the pretext of false promise of marriage had been sexually exploiting her for four years and thereafter the petitioner and his family members started demanding Rs. 50 lakhs as dowry for solemnizing marriage to the informant and he also threatened the informant and her family members.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. 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. 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 counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner and the victim is a major girl.

7. Considering the aforesaid facts and circumstances as well as, 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, Panta in connection with Srikrishanpuri P.S. Case No. 338 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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