

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3771 of 2024

Arising Out of PS. Case No.-26 Year-2023 Thana- MAHILA THANA District- Begusarai

Vikki Kumar Gupta S/O Dinesh Sah R/O Mohalla- Khagaria Ward No. 02,
Daan Tola, P.S- Nagar, Distt.- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Adv

For the Opposite Party/s : Mr.Anish Chandra, APP

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

ORAL ORDER

2 24-01-2024 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 Mahila P.S. Case No. 26 of 2023

dated 23.08.2023 registered for the offence/s punishable u/s

376 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner is

alleged to have established physical relationship with the



victim 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 victim is a major girl and both the parties chose to have sexual relationship of their own will. It is further submitted that the marriage took place between the parties on 27.09.2023. Learned counsel has further submitted that the informant is legally wedded wife of the petitioner and live in the petitioner's house happily thus from the facts stated above it is evident that no offense u/s 376 and 34 of the I.P.C. is made out against 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 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, Begusarai in connection with Mahila P.S. Case No. 26 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)

Nilmani/-

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