

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9617 of 2024

Arising Out of PS. Case No.-189 Year-2023 Thana- HASANPUR District- Samastipur

Nakul Sahni @ Nakul Kumar, aged about 25 years (M), Son of Late Shiv Narayan Sahni, Resident of Village-Gita Deodha, P.S.-Hasanpur, District-Samastipur.

... .. Petitioner

Versus

1. The State of Bihar.
2. Puja Kumari, age 23 years, D/O Lakshmi Sahni, R/O Village-Gita Deodha, P.O. Mangalganj, P.S. Hasanpur, District-Samastipur.

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Shivjee Singh, Advocate
For the State : Mr. Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 06-05-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Hasanpur P.S. Case No. 189 of 2023 dated 07.11.2023 registered for the offence punishable under Section 376 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the pretext of marriage. It is further alleged that when the informant made pressure on the petitioner to solemnize marriage, he started assaulting her and demanded Rs. 2,00,000/- in cash, one motorcycle and 30 grams gold from her then he would marry her.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that earlier on 11.06.2021, the informant had also filed a Complaint Case No. 272 of 2021 against the petitioner. It is submitted that an F.I.R. was registered under Section 156(3) of the Cr.P.C. and on investigation, the final form was submitted. Thereafter, on the protest of the informant, the enquiry was proceeding under Section 202 of the Cr.P.C. Now once again, for the same occurrence, the present case been lodged. Thereafter, the informant had filed a Cr. Rev. No. 371 of 2021 before the learned Sessions Judge, Samastipur, which was rejected on 18.02.2021 and learned Sessions Judge ordered to adduce evidence and the said Complaint Case No. 272 of 2021 is still running for evidence. It is submitted that the informant is a major girl who knew the consequence of the act of the petitioner. Learned counsel for the petitioner has further submitted that the informant 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 clean antecedent as stated in paragraph no. 3 of the bail petition. He is in custody in this case since 07.11.2023.

5. Learned A.P.P. for the State and the learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. 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 Additional Chief Judicial Magistrate-IV, Rosera, Samastipur in connection with Hasanpur P.S. Case No. 189 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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