

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16075 of 2024

Arising Out of PS. Case No.-447 Year-2022 Thana- TAJPUR District- Samastipur

Md. Sultan @ Sultan Ahmad Son of Md. Ahmad Resident of Village- Shahpur
Baghauni, P.O. and P.S.- Tajpur (Waini O.P.), District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey

For the Opposite Party/s : Mr.Bhanu Pratap Singh

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

ORAL ORDER

2 19-03-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Tajpur (Waini O.P) P.S. Case No. 447/2022 dated 17.09.2022 registered for the offences punishable u/ss 376, 354, 341, 323, 504 and 506 read with 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the pretext of marriage. Further, the petitioner abused and denied to solemnize marriage with the informant. When the informant went to the house of the petitioner, the co-accused persons abused and assaulted the informant severely.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. Both the parties chose to have physical relationship. The informant is a major woman who knows the consequence of the act of 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". It is further submitted that the informant has also lodged a case against the petitioner and his family members in the year 2017.

5. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the victim in her statement recorded u/s 164 of the Cr.P.C has supported the prosecution story.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be



enlarged on anticipatory 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, Samastipur in connection with Tajpur (Waini O.P) P.S. Case No. 447/2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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