

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16099 of 2024

Arising Out of PS. Case No.-63 Year-2023 Thana- MAHILA PS District- Aurangabad

1. Ashok Mehta @ Ashok Kumar S/O Ramsundar Mahto R/O Village- Birdhawar, P.S- Mohammadganj, Distt.- Palamu (Jharkhand).
2. Renu Devi @ Pramil Devi W/O Ashok Mehta @ Ashok Kumar R/O Village- Birdhawar, P.S- Mohammadganj, Distt.- Palamu (Jharkhand).
3. Chhotu @ Raj Chakravarti Kumar Mehta S/O Ashok Mehta @ Ashok Kumar R/O Village- Birdhawar, P.S- Mohammadganj, Distt.- Palamu (Jharkhand).

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Adv.

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 28-03-2024 Heard learned counsel for the petitioners as well as
Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in a case in connection with Aurangabad Mahila P.S. Case No. 63 of 2023 dated 24.11.2023 registered for the offence/s punishable u/s 376, 504, 506 read with Section 34 of the Indian Penal Code and section 4 of the Protection of Children from Sexual Offences Act.

3. As per the prosecution case, the co-accused Manish Kumar is alleged to have established physical relationship with the informant on the pretext of marriage. When the informant's father made complaint to the father of the co-accused, Manish Kumar



then the petitioners and the co-accused person abused and assaulted him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioners rather the specific allegation has been leveled against the co-accused, Manish Kumar. The petitioners are made accused in this case only because they are the father, the mother and the younger brother of the co-accused, Manish Kumar. Learned counsel has further submitted that the age of the victim is more than 18 years on the date of lodging the present case. 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.

5. Learned A.P.P. for the State has vehemently opposed the anticipatory bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances as well as the allegation being general and omnibus against the



petitioners, let the above named petitioners, in the event of their 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) each with two sureties of the like amount each to the satisfaction of the learned court concerned, Aurangabad in connection with Aurangabad Mahila P.S. Case No. 63 of 2023, 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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