

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17474 of 2024

Arising Out of PS. Case No.-442 Year-2023 Thana- PHULPARAS District- Madhubani

Shambhu Kumar Yadav @ Shambhu Kumar @ Sambhu Yadav S/o Upendra
Yadav R/o vill - Bauharwa, P.s. - Phulparas, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Uttam Sahu, Advocate

For the Opposite Party/s : Mr.Umeshanand Pandit, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 14-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Fulparas P.S.Case No. 442/2023 lodged on 27.08.2023 under
Sections 341, 323 and 376 of the Indian Penal Code.

3. As per the prosecution case, the FIR has been
lodged against three named accused persons, including the
present petitioner with an allegation that the petitioner on the
pretext of marriage established physical relationship with the
victim as a result of which she got pregnant but, thereafter, the
petitioner refused to perform marriage with her.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. In fact, the
petitioner and the informant are in a love affair and physical



relationship has been developed between them with consent. He further submits that the present case has been lodged only with a view to put pressure on the petitioner to perform marriage with the victim. The petitioner is in custody since 30.08.2023 having no criminal antecedent.

5. Learned counsel for the State opposes the prayer for bail and submits that there is a specific allegation against the petitioner to have established physical relationship with the victim on the pretext of marriage and subsequently denied to perform marriage with her.

6. Upon specific query of the Court from the learned counsel for the petitioner that whether the petitioner is ready to marry with the victim or not, he replied that the petitioner is ready to perform marriage with the victim but his parents are not ready for the same.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named be granted provisional bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned ACJM-II, Jhanjharpur, Madhubani, subject to the conditions as laid down under Section 437(3) of the Code of Criminal Procedure.



8. The provisional bail of the petitioner shall be confirmed by the learned Trial Court on the production of substantial proof by the petitioner within two months of his release on provisional bail showing his marriage with the victim and also if the victim appears before the learned Trial Court physically and supports the factum of marriage with the petitioner.

(Dr. Anshuman, J)

Ashwini/-

U		T	
---	--	---	--

