

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24100 of 2024

Arising Out of PS. Case No.-6 Year-2023 Thana- MAHILA P.S. District- Araria

Md. Kasim @ Budhu S/o Jainul R/o vill - Banswari, ward no. 03, P.s. - Araria,
Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Arvind Kumar, Adv.
For the informant	:	Mr. Gopal Kumar Jha, Adv.
For the Opposite Party/s	:	Mr.Vinod Shanker Modi, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 21-08-2024 Heard learned counsel for the petitioner and learned counsel for the informant as well as learned Additional Public Prosecutor for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 06 of 2023 dated 04.03.2023 registered for the offence/s punishable u/ss 376, 323, 504, 506 read with Section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant for about three years on the pretext of false promise of marriage and from that reason, a male child was born. When the informant asked him to marry, the petitioner refused to marry her.



Thereafter, the Panchayati was held but the petitioner denied to comply with the verdict of Panch. It is further alleged that the accused persons abused and assaulted the informant after the Panchayati.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The victim is a major girl who knows the consequence of the act of the petitioner. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship of their own will. It is further submitted that the petitioner has no concern with the alleged offence. 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. The petitioner is in custody since 03.12.2023.

5. Learned A.P.P. for the State and 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 Court concerned, Araria in connection with Mahila P.S. Case No. 06 of 2023 with the condition :-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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