

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29803 of 2024

Arising Out of PS. Case No.-188 Year-2022 Thana- KURSAKANTA District- Araria

MD. MUSTAZIR @ MUSTAZEB SON OF MD. SAIYUB Village -Lailokhar
Garaiya Ward No 5 P S -Kursakanta (Kuari) Distt -Araria Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Adv
For the Opposite Party/s : Mr. Binod Kumar, APP

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

ORAL ORDER

2 29-04-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kursakanta (Kuari) P.S. Case No. 188 of 2022 dated 11.10.2022 registered for the offences punishable u/s 341, 346, 506 of the Indian Penal Code and Section 3/4 of the Dowry and Prohibition Act.

3. As per the prosecution case, the petitioner is alleged to have established forceful physical relationship with the informant on the basis of promise of marriage. It is further alleged that the petitioner demanded Rs. 5,00,000/- as dowry for solemnizing marriage with the informant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted the petitioner and the informant



are major and they chose to have illicit relationship of their own will. The victim is a major girl 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”. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 04.12.2023.

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

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation and 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 Kursakanta (Kuari) P.S. Case No. 188 of 2022, with a condition/s:-

(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 cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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