

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34013 of 2024

Arising Out of PS. Case No.-27 Year-2024 Thana- JOKIHAT District- Araria

MD. TAHSIN @ TAHSIN SON OF LATE MASTER ZAFAR @ MD.
ZAFIRUDDIN RESIDENT OF VILLAGE - DUBBA, WARD NO. 07, P.S. -
JOKIHAT, DISTRICT - ARARIA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Majid Mahboob Khan

For the Opposite Party/s : Mrs. Sharda Kumari

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

ORAL ORDER

3 19-06-2024 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. Learned counsel for the petitioner is permitted to
filed supplementary affidavit during the course of the day which
is kept on the record.

3. The petitioner has preferred this application for
grant of regular bail in connection with Jokihat P.S. Case No. 27
of 2024 dated 21.01.2024 registered for the offence/s punishable
u/ss 341, 323, 376, 504, 506 read with section 34 of the Indian
Penal Code and section 4 of the POCSO Act.

4. As per the prosecution case, the petitioner is alleged
to have established physical relationship with the informant on
the pretext of false promise of marriage but after all the



petitioner denied to marry. It is further alleged that the petitioner and the co-accused persons also abused the informant's family members.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per the medical report, the victim is aged about 18-20 years. There is love affair between the petitioner and the victim. 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. As per medical report, there is no fresh sign of sexual assault. 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 29.02.2024.

6. Learned A.P.P. for the State has vehemently



opposed the bail petition of the petitioner.

7. 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 Jokihat P.S. Case No. 27 of 2024, 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.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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