

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35117 of 2024

Arising Out of PS. Case No.-239 Year-2023 Thana- KAUWAKOL District- Nawada

Sit Yadav Son of Sato Yadav Resident Of Village- Bhorambag, P.S-
Kawakole, District- Nawada

... .. Petitioner/s

Versus

1. The State Of Bihar Patna
2. Soni Kumari Daughter of Late Vinod Manjhi Resident of Village-
Bhorambag, P.S- Kawakole, Dist- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sheo Kumar Prasad, Adv.

For the Opposite Party/s : Mr.Sadanand Paswan, APP

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

ORAL ORDER

2 16-05-2024 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 Kawakole P.S. Case No. 239 of 2023 dated 24.04.2023 registered for the offences punishable u/ss 376 of the Indian Penal Code and Section 3(i)(r) (s), 3(2)(v) of the SC/ST Act and Section 6 of the POCSO Act.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship on the pretext of marriage. When the informant became pregnant and put pressure on the petitioner for marriage but the petitioner denied the same. It is further alleged that the petitioner abused and



assaulted the informant and her mother.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There was love affair between the victim and the petitioner. Learned counsel has further submitted that the informant herself disclosed her age as 20 years and she is major girl hence, no case is made out against the petitioner under the POCSO Act. The allegation of abusing against the petitioner is general and omnibus and no member of public was present at the relevant point of time of the incident and hence, no offence under provisions of SC/ST Act is made out against the petitioner. 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 one criminal antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 26.04.2023.

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 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, Nawada in connection with Kawakole P.S. Case No. 239 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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