

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39660 of 2024

Arising Out of PS. Case No.-5 Year-2024 Thana- MAHILA P.S. District- Madhepura

Kundan Kumar Raj @ Kundan Kumar S/o Subhash Chandra Das R/o Village-
Alamnagar ward No 08 PS alamnagar District Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K Agarwal, Sr. Adv.
	:	Ms. Kumari Rashmi, Adv
	:	Mr. S.K. Singh, Adv
For the Opposite Party/s	:	Mr.Pawan Kumar Chaurasia, APP

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

ORAL ORDER

4 09-09-2024 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 Mahila P.S. Case No. 05 of 2024 dated 13.02.2024 registered for the offences punishable u/s 323, 313, 376, 420, 504, 506 read with Section 34 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the pretext of marriage due to which she became pregnant and further in the year 2024 her pregnancy was terminated in the clinic of Dr. Mahaswetha by all family members of the peti-



tioner.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the victim is a major girl aged about 29 years. As per the para 57 and 58 of the case diary, it is submitted that S.H.O. of Mahila Police Station sent a notice to Dr. Mahasweta under Section 91 of Cr. P.C. about termination of pregnancy of the informant upon which Dr. Mahasweta has given reply to S.H.O. that the informant has neither come to her clinic nor her pregnancy was terminated in her clinic. It is further submitted that the petitioner neither promised for marriage nor made physical relationship with the informant. The charge sheet has already been submitted. 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 02.04.2024.

5. Learned A.P.P. for the State has vehemently op-



posed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation levelled against the petitioner 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, Madhepura in connection with Mahila P.S. Case No. 05 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.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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