

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41148 of 2024

Arising Out of PS. Case No.-228 Year-2023 Thana- PRANPUR District- Katihar

Aman Kumar @ Aman Kumar Anant @ Aman Kumar Mandal, S/o Indrajeet Mandal, R/o Village-Athare, P.S.-Pranpur, District-Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Abdul Mannan Khan, Advocate
	Mr. Binay Kumar, Advocate
	Mr. Hafiz Shahbaz Arif, Advocate
For the Opposite Party/s :	Mr. Ramchandra Sahni, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 13-06-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The accused/petitioner seeks bail in connection with Pranpur P.S. Case No.228 of 2023 registered for the offences punishable under Sections 324 and 376 of the Indian Penal Code.

3. The accused/petitioner is named in the FIR and is in custody since 13.12.2023.

4. Allegation against the petitioner is to commit rape upon informant/victim aged about 19 years on false pretext of marriage. It is further alleged that the vein of forearm of victim/injured was cut by sharp-edged weapon by



using blade by accused/petitioner, having intention to cause death of victim.

5. It is submitted by learned counsel that the petitioner has been falsely implicated in present case. It is submitted that the victim at the time of alleged occurrence was major aged about 19 years. It is pointed out that for certain social reasons when marriage of informant/victim could not solemnized with petitioner, he was implicated falsely with present case. It is further submitted that false implication can be gathered easily from the fact that the victim was medically examined on 05.12.2023 by a lady doctor namely, Dr. Mamta Kumari, where it was observed specifically that no mark of injury was present on the body of victim and also in or around her private part, whereas during the course of investigation, it appears in para-37 of the case diary that certain simple injury was noticed upon the body of injured/victim, which was issued on 16.12.2023. It is pointed out that the said injury report dated 16.12.2023 was obtained fraudulently as to corroborate the allegation to cut vein of forearms by blade. It is submitted



that if it was so, then certainly it was to be observed in the medical report dated 05.12.2023 as stated above. It is further submitted by learned counsel that the FIR in issue was lodged on 04.12.2023 for the occurrence dated 19.11.2023, the delay of 15 days is sufficient to suggest implication as an afterthought. It is further submitted by learned counsel that any corporeal relationship out of false promise of marriage cannot be categorized as rape and in support of his submission, learned counsel relied upon the legal report of ***Pramod Surya Bhan Pawar vs. State of Maharashtra*** reported in ***(2019) 9 SCC 608*** and also ***Ansar Mohammad vs. State of Rajasthan and Ors.*** reported in ***(2020) SCC Online 886***. It is further submitted that from the bare perusal of the FIR, it nowhere appears that the petitioner was under intention to cheat informant/injured from very inception of the promise as alleged. While concluding argument, it is submitted that investigation of this case has been completed, for which, charge-sheet has been submitted and, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer for grant of bail to the petitioner.

7. In view of aforesaid factual submissions and by taking note of fact as implication of rape raised in the background of false promise of marriage, where nothing appears *prima facie* as to suggest that the petitioner was under intention of cheating from very inception of his promise regarding marriage, coupled with the fact that charge-sheet has already submitted, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, SC/ST, Katihar in connection with S. T. No.117 of 2024 arising out of Prampur P.S. Case No.228 of 2023, subject to the conditions as laid down under Section 437(3) of the CrPC.

(Chandra Shekhar Jha, J.)

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