

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43448 of 2024

Arising Out of PS. Case No.-357 Year-2023 Thana- KATORIYA District- Banka

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Gulam Rasul S/o Late Samsuddin R/o vill and P.S. - Katoriya, Distt. - Banka

... .. Petitioner/s

Versus

The State of Bihar, Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Pandey, Adv.

For the Opposite Party/s : Mr.Ganesh Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 03-07-2024 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 S.T. No. 228 of 2024 arising out of Katoria P.S. Case No. 357 of 2023 dated 15.10.2023 registered for the offence/s punishable u/ss 376, 379, 419, 420 and 406 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the false promise of marriage.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated



in this case. 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. 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.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and stated that the victim in her statement recorded u/s 164 of the Cr.P.C. has supported the prosecution.

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, Banka in connection with S.T. No. 228 of 2024 arising out of Katoria P.S. Case No. 357 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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