

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49306 of 2024

Arising Out of PS. Case No.-138 Year-2024 Thana- BAKHARI District- Begusarai

Rahul Kumar Son of Ratan Pandit Resident of Village - Pokharia, Ward No.-
37, P.S.- Town, District - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv
For the Opposite Party/s : Mr. Bharat Bhushan, APP

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

ORAL ORDER

3 08-10-2024 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 Bakhari P.S. Case No. 138 of 2024 dated 19.04.2024 registered for the offences punishable u/s 376, 493 and 506 of the Indian Penal Code.

3. As per the prosecution case, the petitioner had been establishing physical relationship with the informant for three years on the pretext of marriage and made her obscene video and the informant became pregnant.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. It is further submitted that the informant is already



married. The petitioner never made an obscene video of the informant rather the informant has taken some obscene photo of the petitioner and extorted lakhs of rupees by blackmailing him. The victim is a major lady and she established physical relationship with the petitioner with her own consent. 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”. As per the Annexure- 2, the informant/complainant has already filed Complain Case No. 1108 of 2024 against the petitioner (her husband) and others u/s 498A, 125, 380, 354 and 34 of the I.P.C. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 20.04.2024.

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 and the nature of allegation levelled against the petitioner 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, Begusarai in connection with Bakhari P.S. Case No. 138 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 be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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