

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51213 of 2024

Arising Out of PS. Case No.-24 Year-2024 Thana- MAHILA PS District- Darbhanga

Itiyakh Ahamad Son Of Md Israil Ansari @ Israil Ahamad Resident Of
Village - Balha, P.S. - Biraul, District - Darbhanga

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kedar Jha, Adv
For the Opposite Party/s : Mr. Md. Nazir Ansari, APP

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

ORAL ORDER

3 14-08-2024 Supplementary affidavit has been filed by the learned

counsel for the petitioner during the course of the day which is

kept on record.

2. Heard learned counsel for the petitioner and learned
A.P.P for the State.

3. The petitioner has preferred this application for
grant of regular bail in connection with Mahila P.S. Case No. 24
of 2024 dated 07.03.2024 registered for the offences punishable
u/s 376 of the I.P.C.

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

5. 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 20-22 years. There was love affair between the petitioner and the victim girl. As per the statement of the victim girl recorded u/s 164 of the Cr. P.C., the victim and the petitioner chose to have established physical relationship with their own consent. 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 07.03.2024.

6. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

7. 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, Darbhanga in connection with Mahila P.S. Case No. 24 of 2024.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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