

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52089 of 2023

Arising Out of PS. Case No.-197 Year-2022 Thana- JALALGARH District- Purnia

Md. Majaddin Alam @ Md. Majuk @ Md. Majub Son Of Md. Tajuddin
Resident Of Village - Pora, P.S. - Jalalgarh, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Manish Kumar, Advocate
For the Opposite Party/s	:	Mr.Shantanu Kumar, APP
For the Informant/s	:	Mr. Bijendra Kumar, Advocate

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

ORAL ORDER

4 04-03-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State as well as learned counsel for the informant.

3. The petitioner is apprehending his arrest in connection with Jalalgarh P.S. Case No. 197/2022 dated 10.11.2022 registered for the offences punishable u/ss 376, 313 and 506 read with 34 of the Indian Penal Code.

4. As per the prosecution case, the petitioner is alleged to have committed rape on the informant on the pretext of the marriage.



5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has one criminal antecedent as stated in para 3 of the bail petition. There was love affair between the parties. Both the parties chose to have physical relationship. The informant is a major woman who knows the consequence of the act of the petitioner. 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". Learned counsel has submitted that in the complaint case, the age of the victim is mentioned as about 20 years. It is further submitted that the victim has not filed any medical documents relating to her abortion.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner as well as learned counsel for the informant.

7. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Purnea in connection with Jalalgarh P.S. Case No. 197/2022 subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure with further condition:-

(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 bonds of the petitioner are liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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