

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50673 of 2023

Arising Out of PS. Case No.-135 Year-2021 Thana- RAUTA District- Purnia

MD. ZAFAR @ ZAFAR Son of Md. Zabir Alam Resident of village -
Khushahapur, P.S. - Rauta, Distt. - Purnea

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amit Kumar Anand, Adv.

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

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

ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in a case in connection with Rauta P.S. Case No. 135 of 2021 dated 27.12.2021 registered for the offence/s punishable u/ss 341, 323, 354, 376, 504 and 506 read with section 34 of the Indian Penal Code.

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

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is love affair between the informant and the petitioner. The victim is a major girl and she has full knowledge



about the alleged act. Both the parties 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 no criminal antecedent as stated in para 3 of the bail petition.

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

6. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, 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 the learned court concerned, Purnea in connection with Rauta P.S. Case No. 135 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further



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 cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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