

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63679 of 2024

Arising Out of PS. Case No.-4 Year-2024 Thana- PIPRA District- Supaul

Ram Shankar Kumar Mehta @ Ram Shankar Mehta, Son of Lakshmi Mehta,
Resident of village- Chilkapatti, Ward No. 1, P.S. - Pipra, Dist.- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. A. Shamsi, Advocate Mr. Ramakant Singh, Advocate
For the O.P. No. 2	:	Mr. Kamal Kishore Singh, Advocate
For the State	:	Mr.Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

3 26-10-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Sections 341, 323, 376, 420, 120(B)/34 of the Indian Penal Code.

3. The case of the prosecution is that petitioner happens to be a tutor, established physical relation with the complainant, who is major. It is further alleged that the petitioner promised to marry the complainant, but as he got government job, he denied. In this case, the statement of the victim has been recorded u/s 164 of Cr.P.C., wherein she has stated that the petitioner established physical relationship with her and thereafter, made promise to marry but later on that



promise was not fulfilled. She has also stated that she wants to marry the petitioner.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. From perusal of the compliant petition itself, it is clear that first physical relation was established four years before filing of the complaint. There is no explanation of the delay and from the entire facts and circumstances of the case, it is clear that sexual relationship was established on the promise of marriage. In the Hon'ble Apex Court in the case of ***Mandar Deepak Pawar Vs. The State of Maharashtra & Anr.*** reported in ***2022 SCC Online SC 2110*** as laid down that sexual relation between two majors on the promise of marriage does not amount to a crime. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. He is languishing in judicial custody since 09.04.2024.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner



on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I, Supaul in connection with Pipra P.S. Case No. 04 of 2024.

(Ashok Kumar Pandey, J)

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