

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.66422 of 2024**

Arising Out of PS. Case No.-558 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

1. Vinay Kumar S/o- Shivjee Sah Village- Parem Nagar (Ward No. 5) P.S - Runnisaidpur, Dist- Sitamarhi
2. Sanjeev Kumar @ Pappu Son of Shivjee Sah Village- Parem Nagar (Ward No. 5) P.S - Runnisaidpur, Dist- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                            |
|--------------------------|---|----------------------------|
| For the Petitioner/s     | : | Mr. Ajay Kumar Thakur, Adv |
|                          | : | Mr. Ritwik Thakur, Adv     |
|                          | : | Ms. Vaishnavi Singh, Adv   |
| For the Opposite Party/s | : | Mr. Nirmala Kumari, APP    |

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

ORAL ORDER

2      24-09-2024                      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 Runnisaidpur P.S. Case No. 558 of 2021 dated 30.10.2021 registered for the offences punishable u/s 313, 307, 323, 344, 379, 366, 376, 504 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the co-accused person Jitendra Kumar and his other brothers are alleged to have established physical relationship on the pretext of marriage with Jitendra Kumar. The complainant became pregnant and all the



accused persons administered medicine as a result of which her pregnancy was terminated. It is further alleged that when the complainant used to talk about marriage legally, then all the accused persons assaulted her and threatened to kill her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per the statement of the victim recorded u/s 164 of the Cr. P.C., the victim and the co-accused Jitendra Kumar fell in love with each other and when the victim asked the co-accused to marry her then the family member of the co-accused did not agree as the co-accused is the *mausera* brother of the victim. 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. 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 three antecedents as stated in para



3 of the bail petition. The petitioner is in custody since 13.07.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner and submitted that the victim is a major lady.

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, Sitamarhi in connection with Runnisaidpur P.S. Case No. 558 of 2021.

7. The application stands allowed.

**(Chandra Prakash Singh, J)**

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