

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63619 of 2024

Arising Out of PS. Case No.-220 Year-2024 Thana- PATNA CITY CHOWK District- Patna

Deepak Kumar S/O Raj Kumar Mistri R/O- of Bada Hasanpur,P.S.
Khushrupur, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr.Arvind Kumar Pradhan
For the Opposite Party	:	Mr.Zainul Abedin
For the Informant	:	Mr. Prithvi Nath Mishra

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 05-10-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Chowk P.S Case No. 220/2024 dated 12.05.2024 registered for the offence punishable u/s 376 and 313 of the Indian Penal Code and Section 3 and 4 of the D.P. Act.

3. As per the prosecution case, the petitioner is alleged to have committed rape on the informant on the pretext of the marriage as a result of which she became pregnant then the petitioner took her to Dr. Nilam Kumari Clinic and got her pregnancy aborted and told her that he would marry her after three days. Thereafter, the petitioner and the co-accused persons



demanded Rs. 5 lacs as dowry and on the non-fulfillment of demand of dowry, they fled away.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. 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". The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 13.05.2024.

5. Learned A.P.P. for the State as well as learned counsel for the informant have vehemently opposed the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case 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, Patna City in connection with Chowk P.S. Case No. 220/2024, with the 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 bond of the petitioner is liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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