

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63800 of 2024

Arising Out of PS. Case No.-66 Year-2024 Thana- RAUTA District- Purnia

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Jitendra Thakur S/O Sri Nirendra Thakur Resident of Village- Mangalpur,
Purab Tola, P.O- Runki, P.S- Rauta, Distt.- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar
2. Mosmat Sakhi Devi W/O Late Ramraji Roy @ Rajesh Thakur, D/O Sri Dayanand Thakur R/O Village- Mangalpur, Purab Tola, P.O- Runki, P.S- Rauta, Distt.- Purnia.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Mallick, Adv

For the Opposite Party/s : Mrs. Sharda Kumari, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 01-10-2024 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 Rauta P.S. Case No. 66 of 2024 dated 19.03.2024 registered for the offences punishable u/ss 323, 376, 324, 379, 504 read with Section 34 of the Indian Penal Code.

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

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. 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 clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 11.06.2024.

5. Learned A.P.P. for the State has 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, Purnia in connection with Rauta P.S. Case No. 66 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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