

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70129 of 2023**

Arising Out of PS. Case No.-473 Year-2022 Thana- SITAMARHI District- Sitamarhi

Jayram Kumar @ Jairam Kumar, Male, aged about 27 years, S/O- Roop Narayan Pandit, Resident Of Mohalla- Hanuman Nagar, P.O.- Sankhi, Ward No.- 5, P.S.- Surpi, District- Sitamarhi.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Dharmendra Kumar Sinha, Advocate
For the Informant	:	M/S. Kumar Nikhil and Dwij Raj, Advocates
For the Opposite Party	:	Mr. Nawal Kishore Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 22-02-2024 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Sitamarhi P.S. Case No. 473 of 2022 dated 15.06.2023 registered for the offence punishable under Section 376 of the I.P.C.

3. As per the prosecution case, the informant met with the petitioner about one and a half years ago during walking in Goenka College and both were preparing for competition. The petitioner started talking with the informant through mobile phone everyday and established physical relation with her on



the pretext of marriage. In the meantime, the petitioner was appointed as Daroga and is posted at Barh P.S. in Patna District. It is further alleged that on 25.05.2023 and 26.05.2023, he met with the informant in Aman Bihar Hotel and ultimately, he refused to marry the informant saying that his marriage has been fixed with another girl. He also threatened the informant to kill her if she tries to marry with him.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the petitioner and the informant were close friends and they had been preparing for competitive examination and the petitioner got selected to the post of Sub-Inspector of Police and thereafter the informant always putting pressure on the petitioner to marry her. It is further submitted that the informant is a major and the petitioner never threat, nor allured for marriage nor established any physical relationship with her and the allegation against the petitioner is false and only to extort the money from the petitioner. It is further submitted that the informant is a major girl who knew the consequence of the act of the petitioner. Learned counsel for the petitioner 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.” It is further submitted that the petitioner never met in the said hotel with the informant on 25.05.2023 and 26.05.2023 nor any physical relationship was established on that day and the allegation against the petitioner is false and vexatious. It is further submitted that after jointing on the post of S.I., he had attended the course on post Blast Investigation held on 19.06.2023 to 23.06.2023 at Gaziabad and had obtained a Certificate, therefore, the allegation for threatening to the informant was not correct. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State and learned counsel for the informant have vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his



arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned court concerned, Sitamarhi, in connection with Sitamarhi P.S. Case No. 473 of 2022, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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