

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73933 of 2023

Arising Out of PS. Case No.-35 Year-2023 Thana- ARWAL MAHILA District- Jehanabad

Arvind Chaudhary, aged about 22 years, Male, S/O Naresh Chaudhary,
Resident Of Village- Arwal Sipah, (Arwal Sipahi), P.S- Arwal, Distt.- Arwal.

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Arvind Prasad Singh, Advocate
For the Informant	:	Mr. Uttam Kumar Mishra, Advocate
For the State	:	Mr. Satya Nand Shukla, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

7 25-06-2024 Heard learned counsel for the petitioner, learned
counsel for the informant and learned A.P.P. for the State.

2. The petitioner seeks bail in connection with Arwal Mahila P.S. Case No. 35 of 2023 dated 06.08.2023 registered for the offence punishable under Section 376 of the I.P.C.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant on the false pretext of marriage for the last three years, as a result of which, she became pregnant. On 02.08.2023, when she asked the petitioner to perform marriage, he refused to marry her. It is further alleged that the petitioner has established physical relationship with the informant on several times.

4. Learned counsel for the petitioner has submitted



that the petitioner is innocent and has falsely been implicated in this case. It is submitted that the petitioner is a married person and the informant is well known about the said fact, hence, such allegation is not maintainable. The informant is a cousin sister of the petitioner, so, there is no question arise to perform marriage between them. There was love affair between the parties and both are majors. The medical examination of the informant has not been done. It is 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 informant 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 paragraph no. 3 of the bail petition. He is in custody in this case since 07.08.2023.

5. Learned A.P.P. for the State and the learned counsel



for the informant have vehemently opposed the bail petition of the petitioner. Learned counsel for the informant has further submitted that the matter has already been settled between the parties on interference of the local people.

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 S.D.J.M. Arwal, in connection with Arwal Mahila P.S. Case No. 35 of 2023.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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