

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76614 of 2023

Arising Out of PS. Case No.-67 Year-2022 Thana- MAHILA PS District- Gaya

PAWAN KUMAR Son of Vijay Sharma @ Vijay Mistri R/o vill - Bairi
Vanwas, P.s. - Raushanganj, Dist. - Gaya

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Javed Jafar Khan, Advocate
For the Opposite Party/s : Dr. Ajeet Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

6 18-03-2024 Heard learned counsel for the petitioner and learned
APP for the State. Perused the case diary. A supplementary
affidavit has been filed on behalf of the petitioner, the same be
kept on record.

2. The petitioner seeks bail in S. Tr. No. 837 of 2022,
arising out of Gaya Mahila P.S. case No. 67 of 2022 instituted
for the offences under Sections 376 and 493 of the Indian Penal
Code.

3. Prosecution allegation, in short, is that the petitioner
entered into the house of informant and established physical
relation with her on the pretext of marriage. Thereafter, the
informant got burn injury whereafter the petitioner refused to
marry with her.



4. Learned counsel for the petitioner submits that the petitioner has falsely been implicated in the present case. Charge-sheet has been submitted in this case. The petitioner is alleged to have established physical relationship on the assurance of marriage. Subsequently, for one reason or the other, the marriage could not be solemnized and for the said reason, the present case has been instituted. The petitioner is in custody since 20.07.2022 and has no criminal antecedent. Learned counsel for the petitioner has further placed reliance on cases of the Hon'ble Supreme Court since reported in **2018 SCC Online SC-3100 (Dr. Dhruvaram Murlidhar Sonar versus The State of Maharastra & Ors)** and **(2019) 9 SCC 608 (Pramod Suryabhan Pawar vs. The State of Maharashtra and Ors.)**. A supplementary affidavit has been filed stating that during the pendency of the application, petitioner and informant agreed to solemnize marriage and the matter has been compromised between the parties for which a compromise petition has been filed in the Court below on 14.10.2022 (Annexure-P/2 to this application).

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances



of the case, the period of custody undergone by the petitioner and the compromise arrived at between the parties, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S. Tr. No. 837 of 2022, arising out of Gaya Mahila P.S. case No. 67 of 2022 subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) If after the release, the petitioner violates the terms of agreement arrived at between the parties, the informant with have liberty to move before the Court below for cancellation of bail granted to the petitioner.

(Rudra Prakash Mishra, J)

Pankaj/-

U		T	
---	--	---	--

