

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84267 of 2023

Arising Out of PS. Case No.-70 Year-2022 Thana- MAHILA P.S. District- Nalanda

Abhisek Patel @ Bustan Son Of Shashi Bhushan Prasad R/O Wena, Wasrd
No.3, Mandir, P.S.- Wena, District- Nalanda, Bihar -803111

... .. Petitioner/s

Versus

1. The State Of Bihar
2. Rani Kumari D/O Unknown, R/O Patel Nagar, P.S.- Laheri, Post-Biharsharif, District- Nalanda

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Piyush Kumar Pandey, Advocate

For the Opposite Party/s : Mr.Rajendra Singh Shastri, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Mahila P.S Case No. 70/2022 dated 10.08.2022 registered for the offences punishable under Sections 376, 420, 323, 504, 307 and 364 read with 34 of the Indian Penal Code, Section 27 of the Arms Act and Sections 4 and 6 of the POCSO Act.

4. As per the prosecution case, the petitioner induced



the informant into a sexual relationship on the false pretext of marriage. When the informant began to pressurize the petitioner for marriage. The petitioner along with other within an intention to murder, kidnapped the informant and her master Indrajit Malakar and took them to Sant Baba temple. The accused persons were various armed and started assaulting them. When the villagers assembled there, then the accused persons fled away.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The petitioner is accused is one more criminal case as stated in para 3 of the bail petition. There was love affair between the parties. Both the parties chose to have physical relationship of their own will. 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".



6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner.

7. 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/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Nalanda at Bihar Sharif in connection with Mahila P.S Case No. 70/2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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