

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80331 of 2023

Arising Out of PS. Case No.-111 Year-2023 Thana- SULTANGANJ District- Patna

Ajit Kumar Son of Amarnath Yadav R/O Village- Saulighat Pali, P.S.-
Benipatti, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.A. Shamsi, Advocate

For the Opposite Party/s : Mr.Choubey Jawahar, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 10-01-2024 Heard Mr. N.A.Shamsi, learned counsel appearing
on behalf of the petitioner and Mr. Choubey Jawahar, learned
APP for the State.

2. Petitioner seeks pre-arrest bail in connection with
Sultanganj P.S.Case No.111 of 2023, registered for the offences
punishable under Sections 420 and 376 of the Indian Penal
Code.

3. As per the allegation made in the FIR, the
informant admits that she was in relationship with the petitioner
and in course of the said relationship, they entered into physical
relationship. Specific allegation against the petitioner is that the
petitioner had promised to marry her and has now refused to
enter into permanent relationship of marriage.

4. Mr. N.A.Shamsi, learned counsel appearing on
behalf of the petitioner submitted that both the petitioner and
the informant are adult and they chose to have physical
relationship with consent and there is no breach of trust as



alleged in the FIR. The petitioner has clean antecedent.

5. Recently, the Apex Court in the case of ***Pramod Suryabhan Pawar Vs. State of Maharashtra & Anr.*** reported in ***(2009) 9 SCC 608*** has observed that “in the factual scenario where complainant was aware that there existed obstacles in marrying the accused and still continued to engage in sexual relations. The Apex Court quashed the FIR.

6. Learned APP for the State vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

7. Having considered the rival submissions made on behalf of the parties as well as the allegation made in the FIR, *prima facie* it appears that the parties were in relationship, the petitioner is directed to be released on pre-arrest bail, in the event of his arrest or surrender before the learned court below within a period of four weeks from today, on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned SDJM, Patna in connection with Sultanganj P.S.Case No.111 of 2023, subject to conditions as laid down under Section 438(2) of the Cr.P.C.

(Purnendu Singh, J)

chn/-

U			
---	--	--	--

