

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85260 of 2023

Arising Out of PS. Case No.-149 Year-2023 Thana- BENIPATTI District- Madhubani

Johra Khatoon Son Of Md. Safik Ansari Resident Of Village -benipatti, Ps-
Benipatti, Distt- Madhubani

... .. Petitioner/s

Versus

The State Of Bihar Advocate General Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhavesh Sah, Advocate

For the Opposite Party/s : Mr.Arun Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Benipatti P.S. Case No. 149/2023 dated 05.07.2023 registered for the offences punishable under Sections 376, 313, 504, 506, 420, 120B read with 34 of the Indian Penal Code.

3. As per the prosecution case, the co-accused is alleged to have committed rape on the informant's daughter on the pretext of the marriage. Further, the petitioner and the co-accused persons gave medicine for abortion to the informant's daughter.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been



implicated in this case. The petitioner has no criminal antecedent as stated in para 3 of the bail petition. The petitioner is a lady. Learned counsel has submitted that the informant's daughter wanted to marry with the co-accused Afroj Ansari (who is the son of the petitioner), but he denied and due to that the informant made her accused in this case. 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”.

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

6. Considering the aforesaid facts and circumstances of the case as well as the nature of allegation, 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, Benipatti, Madhubani in connection with



Benipatti P.S. Case No. 149/2023, subject to conditions 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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