

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.275 of 2024

Arising Out of PS. Case No.-10 Year-2023 Thana- MAHILA P.S. District- Rohtas

Ashok Kumar Yadav S/O Sudarshan Singh Yadav @ Sudarshan Yadav R/O
VILL- RAMAWATPUR PO -JAIDPUR PS- BHAGWANPUR DIST-
KAIMUR BHABUA AT PRESENT R/O GANGA NAGAR RAJASTHAN

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg, Adv.
For the Informant : Mr. Surendra Kumar Mishra, Adv.
For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP

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

ORAL ORDER

4 26-06-2024 Heard learned counsel for the petitioner and learned
counsel for the Informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Mahila P.S. Case No. 10 of 2023 dated 17.03.2023 registered for the offence/s punishable u/ss 376, 379 and 120B of the IPC read with section 61 of the IT Act.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the victim on the pretext of marriage.

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



this case. The victim is a major girl who knows the consequence of the act of the petitioner. Learned counsel has further submitted that the victim girl and the petitioner chose to have physical relationship of their own will. As per medical report, there is no fresh sign of sexual assault. 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 para 3 of the bail petition. As per impugned order dated 14.12.2023, the petitioner is in custody since 30.10.2023.

5. Learned counsel for the informant as well as learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner.

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 Court



concerned, Sasaram (Rohtas) in connection with Mahila P.S.
Case No. 10 of 2023, with a condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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