

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6784 of 2025

Arising Out of PS. Case No.-558 Year-2021 Thana- RUNISAIDPUR District- Sitamarhi

Prem Kumar Sah @ Prem Kumar S/o Vishwanath Sah R/o Vill.- Prem Nagar,
P.S.- Runnisaidpur, Distt.- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh
For the Opposite Party/s : Mr.Prem Kumar Jha

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

ORAL ORDER

2 02-05-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner is apprehending his arrest in a case in connection with Runnisaidpur P.S. Case No. 558 of 2021 dated 30.10.2021 registered for the offences punishable u/s 313, 307, 323, 344, 379, 366, 376, 504 read with section 34 of the Indian Penal Code.

3. As per the prosecution case, the co-accused person Jitendra Kumar and his other brothers are alleged to have established physical relationship on the pretext of marriage with the complainant. The complainant became pregnant and all the accused persons administered medicine as a result of which her pregnancy was terminated. It is further alleged that when the



complainant used to talk about marriage legally, then all the accused persons assaulted her and threatened to kill her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. As per the statement of the victim recorded u/s 164 of the Cr. P.C., the victim and the co-accused Jitendra Kumar fell in love with each other and when the victim asked the co-accused to marry her then the family member of the co-accused did not agree as the co-accused is the *mausera* brother of the victim. The specific allegation of establishing physical relationship with the victim is against the co-accused, Jitendra Kumar, who has already been granted regular bail by the Co-ordinate Bench vide order dated 03.10.2024 passed in Cr. Misc. No. 67849 of 2024. The other co-accused persons have also been granted regular bail by this Court vide order dated 24.09.2024 passed in Cr. Misc. No. 66422 of 2024. The petitioner is not the brother of the co-accused, Jitendra Kumar. There is a land dispute between the parties. 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 choose to have physical relationship of their own will. The petitioner has no criminal antecedent as



stated in para 3 of the bail petition. 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 bail petition of the petitioner and submitted that the victim is a major lady.

6. 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, Sitamarhi in connection with Runnisaipur P.S. Case No. 558 of 2021, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with a condition:-

(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 bonds of the petitioner are liable to be cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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