

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39143 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- BARAHAT District- Banka

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Bijay Harijan, Son of Ram Harijan @ Ram Kumar Harijan, Resident Of Village
-Motiya, PS- Motiya, Distt.- Godda (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 14-07-2025 Heard learned counsel for the petitioner and learned
A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Barahat P.S. Case No. 09 of 2025 dated 09.01.2025 registered for the offences punishable u/ss 316 (2), 318(2), 64, 351(2) read with Section 3(5) of the B.N.S.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant against her will on the pretext of false promise 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 choose to have physical relationship of their own will. 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. The petitioner is in custody since 27.02.2025.

5. 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, Banka in connection with Barahat P.S. Case No. 09 of 2025.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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