

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68400 of 2024

Arising Out of PS. Case No.-291 Year-2024 Thana- TARAIYA District- Saran

Nitesh Mahto @ Nitesh Kumar Son of Harikishore Mahto Resident of Vill-
Rasidpur, P.S.- Taraiya, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Radha Mohan Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

5 24-01-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 126(2), 64, 89, 91 and 3(5) of B.N.S., 2023 corresponding to sections 341, 376, 313, 315 and 34 of the Indian Penal Code.

3. The case of the prosecution is that the petitioner used to tease the informant and allured her and also promised to marry. After that, he established physical relationship many times with her and in this course, she got pregnant. It is further alleged that petitioner took her to a hospital where doctor administered some drugs and when the informant objected the same, she was being threatened of dire consequences. It is also alleged that the pregnancy was terminated.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. From perusal of the FIR, it is clear that there is nowhere described in the FIR that the promise was initially false promise and he has also relied certain judgments which go to emphasise this view that there is difference between the promise which is initially false and the case where there is inability to follow the promise. The sexual intercourse which was performed with the informant was not once rather it was many times but she has only complained after the termination of her pregnancy. From perusal of the FIR, it does not appear that the consent was taken from the informant for the act, was on false promise rather it was on the promise of marriage. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 12.07.2024.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with



Taraiya P.S. Case No. 291 of 2024 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Saran.

(Ashok Kumar Pandey, J)

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