

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81520 of 2024

Arising Out of PS. Case No.-230 Year-2023 Thana- PIYAR District- Muzaffarpur

Chandan Kumar S/o Raj Kumar Mahto, Resident of Village- Ajitpur @
Harpur, P.S-Piyar, District-Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh, Advocate.

For the Opposite Party/s: Mr.Madhura Nand Jha, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-01-2025 Heard Mr. Prabhat Kumar Singh, learned counsel
appearing on behalf of the petitioner and Mr. Madhura Nand
Jha, learned APP for the State.

2. The petitioner seeks bail in connection with Piyar
P.S. Case No. 230 of 2023 registered for the offence(s)
punishable under Sections 313 and 376 of the Indian Penal
Code.

3. As per the allegation made in the FIR, petitioner
made physical relation with the informant on the false promise
of marriage, and, thereafter, refused to marry. It is further
alleged that the informant became pregnant and the petitioner
forced her to abort.

4. Learned counsel appearing on behalf of the
petitioner submitted that when the relationship developed



between both the parties, they were major. From perusal of the F.I.R., it is apparent that both the parties were in relationship for quite some time and enjoyed each other's company for months together and indulged in sexual act and as such, it cannot be said to be induced or involuntarily. The relationship was consensual. Petitioner has got clean antecedent and he is in custody since 28.06.2024.

5. Learned APP for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. The Apex Court has observed that "the complainant was very much capable of understanding the consequences of her action and if the relationship is not working out, the same cannot be ground for lodging an F.I.R for the offence under Section 376 of I.P.C" in case of **Naim Ahmed Vs. State (NCT of Delhi)**, reported in **2023 SCC Online SC 89** and in the case of **Sonu @ Subash Kumar Vs. State of Uttar Pradesh & Anr.**, reported in **2021 AIR SC 1405**.

7. In the facts and circumstances of the case, the petitioner, above named, is directed to be released on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class (East),



Muzaffarpur in connection with Piyar P.S. Case No. 230 of 2023, subject to the following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.
- (2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

8. The bail applications stands disposed of.

(Purnendu Singh, J)

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