

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86415 of 2024**

Arising Out of PS. Case No.-86 Year-2024 Thana- MAHALGAON District- Araria

Wasique @ Md. Wasique @ Md. Wasik S/O Siddique @ Sekh Siddik
Resident of Village- Chirah, Ward No. 01, P.S- Mahalgaon, District -Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey, Adv.
Mr. Jainandra Kumar, Adv.
Mr. Rishikesh Ranjan, Adv.
For the informant : Md. Naushaduzzoha, Adv.
For the Opposite Party/s : Mr.Rajendra Nath Pandey, APP

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

ORAL ORDER

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

2. The petitioner has preferred this application for grant of regular bail in connection with Mahalgaon P.S. Case No. 86 of 2024 dated 26.08.2024 registered for the offences punishable u/ss 64 and 81 of the Bharatiya Nyaya Sanhita.

3. As per the prosecution case, the petitioner is alleged to have established physical relationship with the informant for about three years on the pretext of marriage due to which she got pregnant. Thereafter, the petitioner by putting pressure on the informant got her aborted. When the informant went to the house of the petitioner for marriage, he



refused to marry her.

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. 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 no criminal antecedent as stated at para 3 of the bail petition. The petitioner is in custody since 27.08.2024.

5. Learned A.P.P. for the State and learned counsel for the informant have 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, Araria in connection with Mahalgaon P.S. Case No. 86 of 2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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