

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50164 of 2022

Arising Out of PS. Case No.-56 Year-2019 Thana- MAHILA PS District- Darbhanga

Pradeep Paswan @ Pradeep Kumar Paswan S/O Nathuni Paswan Resident Of
Benipur @ Hanumannagar Benipur, P.S.- Bahera, District- Darbhanga

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sushil Kumar Jha
For the Opposite Party/s : Mr.Shyameshwar Dayal

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

ORAL ORDER

3 31-01-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in a case
registered for the offences punishable u/s 323, 341, 376, 307,
366 and 313 read with 34 of the Indian Penal Code.

As per the prosecution case, petitioner is alleged to
have establish physical relationship with the complainant on the
pretext of marriage. In the meantime, the complainant become
pregnant and her pregnancy was terminated by the petitioner. It
is further submitted that the petitioner denied to keep her. The



informant came to know that the petitioner solemnized his marriage with the co-accused and it is further alleged that she was cheated and assaulted by the accused person.

Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. The petitioner has no criminal antecedent as stated at para 3 of the bail petition. Both the parties choose to have physical relationship without marriage. The complainant is a major women who knows the consequence of the act of the petitioner. The father of the informant has stated that the informant was earlier married to Sushil Paswan, thereafter, she again married to Lal Bahadur Paswan. Learned counsel further submitted that petitioner and informant were not employed in Angel School, Benipur. 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.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail of the petitioner.



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, Dharbhanga in connection with Mahila P.S. Case No. 56 of 2019, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with a condition:-

1. 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 prosecution will be at liberty to move for cancellation of his bail bond .

The application stands allowed.

(Chandra Prakash Singh, J)

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