

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.40046 of 2016**

Arising Out of PS.Case No. -116 Year- 2016 Thana -KURTHA District- JEHANABAD

=====

1. Krishna Bind S/o Indradeo Bind resident of village - Chhatoi, P.S. Kurtha  
( Manikpur), District Arwal

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Opposite Party/s Mr. Brajendra Nath Pandey

=====

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR**  
**SRIVASTAVA**  
**ORAL ORDER**

03/ 21.11.2016 Heard learned counsel for the petitioner as well as  
learned Addl. Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with a  
case registered under sections 376 and 376E of the Indian Penal  
Code.

The accusation against the petitioner is that he  
committed rape on the informant as the informant refused to  
withdraw Kurtha P.S. case no. 46/2015 earlier filed against the  
petitioner.

Submission on behalf of the petitioner is that the  
informant is a lady of questionable character and, as a matter of  
fact, earlier she had filed cases against several persons levelling  
allegation of rape which is evident from annexure 2 and  
annexure 3 to the petition and subsequently, she compromised  
in the aforesaid cases. It is further submitted that prior to filing

of the present case, informant had filed Kurtha P.S. case no. 46/2015 against the petitioner and when the petitioner got bail in the aforesaid case by learned Sessions Judge vide order dated 14.5.2015, informant lodged the present case against the petitioner.

Submission of learned counsel for the petitioner has got some force as it is evident from perusal of annexures 2, 3, 4 and 5.

Considering the aforesaid facts and circumstances as well as submissions of the parties, in the event of arrest/ surrender within six weeks from the date of receipt of this order to the concerned court, let the petitioner be released on bail on furnishing bail bonds of Rs 10,000/- with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Arwal in Kurtha (Manikpur) P.S. Case no. 116/2016 subject to condition as laid down under section 438(2) of the Cr.P.C.

shahid

(Hemant Kumar Srivastava,J)

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|