

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.42018 of 2017**

Arising Out of PS.Case No. -54 Year- 2017 Thana -KODHA District- KATIHAR

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Binod Kumar Singh @ Binod Prasad Singh son of Shankar Prasad Singh  
Resident of Village - Basgara, P.S.- Korha, District - Katihar.

.... .... Petitioner/s

Versus

The State of Bihar.

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

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**Appearance :**

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

: Mr. Md. Musowir, Advocate

For the State : Mr. Madan Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**  
**ORAL ORDER**

2      22-09-2017                      Heard Mr. Pankaj Kumar Singh, learned counsel for the  
  
petitioner and Mr. Jharkhandi Upadhyay, learned Additional  
  
Public Prosecutor for the State.

The petitioner seeks pre-arrest bail in connection with  
  
Korha P.S. Case No.54 of 2017 registered under Sections 323, 376  
  
and 504 of the Indian Penal Code.

Learned counsel for the petitioner submitted that in  
  
respect of the occurrence which is alleged to have taken place on  
  
22.01.2017 initially a complaint was filed on 24.01.2017, which  
  
was referred to the police exercising powers conferred under  
  
Section 156(3) of the Code of Criminal Procedure by the  
  
Magistrate for investigation pursuant to which first information  
  
report has been instituted. He submitted that from a bare reading  
  
of the complaint it would be evident that it is not a case of rape



rather it is a case of outraging modesty and even on admitted fact, at best, the case would fall under Section 354 of the IPC. It is submitted that so far as the complainant is concerned she is in habit of filing of false case against innocent persons in order to extract money. He submitted that prior to the institution of the present case, the complainant filed Korha P.S. Case No.148 of 2016 under Section 341, 323, 452 and 354A of the IPC against her own brother-in-law.

Learned counsel for the State has opposed the application for grant of pre-arrest bail to the petitioner. However, he conceded that there is no allegation that the informant of the case was ravished.

Considering the facts and circumstances of the case, the petitioner named above is directed to be released on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Katihar in connection with Korha P.S. Case No.54 of 2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, in the event of arrest or surrender before the court below within six weeks.

**(Ashwani Kumar Singh, J)**

Md.S./-

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