

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9706 of 2019

Arising Out of PS. Case No.-166 Year-2018 Thana- MAHILA P.S. District- Patna

Shambhu Sharan Rathor @ Shambhu Sharan Rathour, Son of Late Vijay Chandra Rathor Resident of Alawalpur Piyaria, P.S.- Gaurichak, District- Patna, presently resided at B.M.P.-5, P.S.- Hawai Adda, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh

For the Opposite Party/s : Mr.Abhay Kumar Roy

CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

4 14-05-2019 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner apprehends his arrest in connection with Mahila P.S. Case no. 166 of 2018, registered under Sections 354 and 354(B) of the Indian Penal Code.

The accusation is that on 31.10.2018, informant along with 48 others ladies constable were returning boarding on bus after attending the function of National Unity Day at BMP-5. In the way, petitioner being Inspector asked the informant to carry carton of cold drink at his office from the bus, when the bus reached in the BMP then she carried the carton of cold drink and proceeded behind the petitioner in his office. When the informant entered in the office, at that time,



petitioner switch off the light of the office and tried to outrage her modesty touching her chest and chick, anyhow, she succeeded to flee away. Thereafter, she narrated the incident to other ladies constable. In that regard, she had given a written report to Commandant BMP-5, but in that application she did not disclose about the incident in detail due to prestige.

Learned counsel for the petitioner submits that, admittedly, the petitioner is the officer in rank of Inspector in BMP-5 and he contested the election of Regional Secretary of Bihar Police Association and due to that reason, the petitioner has falsely been implicated in this case. Further submission is that informant, himself, admitted in her written report that she had given an application to the Commandant (Annexure-5) in which she had stated about seeing her by this petitioner with bad eyes only. Further submission is that while 48 ladies constables were also boarded in the said bus, but in case diary, which is up to paragraph 42, non has stated about carrying of cold drink carton by the informant in the office of petitioner from bus.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below



within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the Judicial Magistrate, 1st Class, Patna in connection with Mahila P.S. Case No. 166 of 2018, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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