

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71338 of 2023

Arising Out of PS. Case No.-42 Year-2023 Thana- MAHILA P.S. District- Bhojpur

Rakesh Raushan Kumar (Sipahi No. 767), Son of Shambhu Kumar, Resident
of Village - Sihaul, P.S. - Sihaul, District - Saharsa

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate
For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 29-02-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The accused/petitioner is named in the FIR and apprehending his arrest in connection with Ara Mahila P.S. Case No.42 of 2023 registered under Sections 354, 354-A, 323, 504 and 509 of the Indian Penal Code.

3. Allegation against the petitioner is to outrage the modesty of informant, who is a ladies constable with Bihar Police, where petitioner is also a police constable.

4. It is submitted by learned counsel that the alleged occurrence took place on 06.07.2023, in a room at Surat, Gujarat but, for said alleged occurrence, no police complaint was made there. Subsequently, when petitioner and informant returned to Bihar on 11.07.2023 on a frivolous ground alleging



misbehave and man-handling, the present false case was lodged. It is submitted that misbehave cannot be construed as outraging modesty. It is pointed out by learned counsel that the husband of informant also working with Bihar Police and were posted at Sasaram with informant, where they developed certain differences out of police association election, which is the reason of enmity and motive behind lodging the present false case. While concluding argument, it is submitted that informant is ladies constable and well aware about law and as such, non-reporting the occurrence to Surat police, itself making a doubt regarding entire occurrence. It is submitted that petitioner is a police constable, who was the part of team visited Surat for investigation of a case.

5. Learned APP for the State opposes the prayer of bail.

6. In view of aforesaid factual submissions and by taking note of fact as the occurrence dated 11.07.2023 *prima facie* suggest only misbehave and man-handling, where there is no police case appears to lodge for the occurrence dated 06.07.2023 which alleged to be happened in Surat, Gujarat accordingly, the petitioner, above-named, is directed to be released on bail, in the event of his arrest or surrender in the



court below within a period of four weeks, on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned S.D.J.M., Ara in connection with Ara Mahila P.S. Case No.42 of 2023, subject to the conditions as laid down under Section 438(2) of the CrPC and with further conditions:-

(i) That petitioner shall co-operate in the investigation/trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court only on medical ground of the petitioner duly supported by the documents.

(ii) That the petitioner shall not tamper the evidence or made any effort to contact with informant or any prosecution witnesses during the pendency of trial, failing which the State shall be at liberty to take steps for cancellation of the bail bonds before learned trial court itself.

(Chandra Shekhar Jha, J.)

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