

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.36537 of 2015

Arising Out of PS.Case No. -152 Year- 2015 Thana -BIDUPUR District- VAISHALI(HAJIPUR)

1. Manish Kumar S/o Arjun Singh resident of village - Amara, Police Station - Bind, District - Nalanda

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Srivastva, Advocate

For the Opposite Party/s : Mr. Hirday Prasad Singh (App)

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 323, 354A, 504 of the Indian Penal Code and 7/8 of The Protection of Children from the Sexual Offences Act.

The prosecution case is that the informant being the Head-Mistress of the school was informed by Tannu Kumari, student on 20.03.2015 that this petitioner being a teacher of the school put her hand inside the panty of Tannu Kumari and when she tried to alarm he gagged her.

It is submitted by the learned counsel for the petitioner that the information received by the Head-Mistress on 20.03.2015, the complaint was filed on 25.03.2015. Whereas from the complaint it reflects that no complaint has



been filed by the family member of the victim nor they have been made witness and the said complaint was registered as police case on 04.04.2015. The petitioner made complaint against the Headmaster and the Management of the school being Bidupur P.S. Case No. 89 of 2015 under Sections 341, 342, 323, 379, 330, 331, 347/34 of the Indian Penal Code on 20.02.2015 and hence in retaliatory measure the present case has been lodged. Statement has been made in para-15 of the petition that neither the victim got her statement recorded before the police nor family members of the victim came forward to support the prosecution case which reads as follows:-

“That even the statement of alleged victim girl has not recorded by the police and any member or guardian of the girls has not come forward to support the prosecution case.”

Moreover, there is no C.C. T.V. footage on the record which suggests the complicity of the petitioner.

Considering the delayed lodging of the case and a complaint filed by the petitioner against the complainant at earlier point of time and statement has been made in para-3 of the petition that petitioner has no criminal antecedent, 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 twelve weeks from today, on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like

amount each to the satisfaction of learned Chief Judicial Magistrate, Vaishali at Hajipur in connection with Bidupur P.S. Case No. 152 of 2015, subject to conditions as laid down under Section 438(2) of the Indian Penal Code.

(Dinesh Kumar Singh, J)

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