

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.48855 of 2014

Arising Out of PS.Case No. -33 Year- 2013 Thana -HARIZAN District- MUNGER

1. Prem Shankar Mishra @ Prem Shanker Mishra Son of Sri Ram Swaroop Mishra resident of village - Khiriya, P.S. Jaithara, District - Etah (Utter Pradesh)

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha

For the Opposite Party/s : Mr. Ram Shankar Das (Spl.P.P.)

CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

2 23-04-2015 Heard learned counsel for the petitioner and learned counsel representing the State.

Petitioner apprehends his arrest in connection with Munger SC/ST P.S. Case No. 33 of 2013 registered for the offences punishable under Sections 341, 323, 504 of the Indian Penal Code and Sections 3 (i) (x) of the SC/ST (Prevention of Atrocities) Act.

Allegedly, the petitioner being the Principal of Jawahar Navodaya Vidyalaya, Ramnakabad, Munger harassed the informant in various ways, put pressure to struck down the word ‘Shilp’ from the name of his daughter and replace the same by the word ‘Paswan’. The petitioner scolded the informant in presence

of the students of the school that he was a Harizan and how he dare to sit before him on a chair with towel and got thrown him out and further the Principal also got removed coolers from the library saying that he belongs to a lower community and why would he enjoy cooler.

Submission is of false implication, the informant due to personal grudge and putting the petitioner in trouble has lodged this case. The library of the school cannot be said to be within public view. Twenty teaching and ministerial staffs have resolved that all the allegations levelled by the informant are unfounded and false. Gate Register of the school goes to show that the informant went outside on the alleged date and time of occurrence and as such the alleged occurrence of 6.8.2013 is not possible and the petitioner deserves sympathetic consideration to which the learned APP opposes.

Considering that the allegation against the petitioner is of humiliating the informant in public view and he got removed towel and coolers from the library hall and further in presence of students the informant was humiliated, his prayer for pre-arrest bail is not maintainable. Accordingly, this application stands rejected.

However, in case and if so advised, the petitioner

surrenders and seeks regular bail before the court below, then his prayer for bail shall be considered on its own merit considering the points raised by the petitioner on the same day without being prejudiced by the present order.

(Jitendra Mohan Sharma, J)

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