

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11700 of 2014

Arising Out of PS.Case No. -578 Year- 2013 Thana -KHAZANIHAT District- PURNIA

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Rajeshwari Pandey, S/o Shyam Narayan Pandey, R/o- Village Phorson, P.S.
- Karghar, District - Rohtas at Sasaram.

.... Petitioner

Versus

The State Of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kr. Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

7 28-01-2015 Heard learned counsel for the petitioner and learned

counsel representing the State.

The petitioner, apprehending his arrest in connection with K. Hat P.S. Case No. 578 of 2013 registered for the offences punishable under Sections 376(C) and 377 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act and Section 23 of Juvenile Justice Act, seeks the privilege of pre-arrest bail.

Allegedly, the petitioner being the Additional Director, Social Security of Observation Home took away the informant's minor son from the Observation Home to his residence and committed unnatural sex with the said minor son of the informant in between 16.11.2013 to 19.11.2013.



Submission is that this case has been lodged by the father of the victim with wrong allegations and the father of the victim in Cr. Misc. No. 13257 of 2014 for quashing of the F.I.R. has filed counter affidavit wherein the informant of this case has categorically stated that under wrong information, the case has been lodged and as a matter of fact no such occurrence has taken place. Further, in departmental enquiry also the allegation has not been found true. From the register of Observation Home also, it does not reveal that the son of the informant was at the residence of the petitioner during the relevant period rather he was in Observation Home itself. It is also submitted that in this case also the informant has filed compromise petition and a petition to permit him to compromise the case. In the statement of the witnesses, there is a great contradiction. Medical report also does not support the carnal intercourse, the petitioner has rejected the leave application of the Superintendent, Observation Home and due to that the petitioner has been implicated.

The learned A.P.P. also submits that in departmental enquiry, the allegation has not been found true and further the informant of this case has filed counter affidavit in Cr. Misc. No. 13257 of 2014 stating that under wrong information, the case has been lodged.

In the facts and circumstances as stated above, the petitioner, in case of his arrest or surrender within two months from the date of receipt/production of the copy of this order, shall be released on bail on execution of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Purnea in connection with K. Hat P.S. Case No. 578 of 2013, subject to the conditions as laid down under Section 438(2) Cr. P.C.

(Jitendra Mohan Sharma, J.)

Vats/-

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