

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.39402 of 2014

Arising Out of PS.Case No. -10 Year- 2014 Thana -PRANPUR District- KATIHAR

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Ranjan Suman Yadav @ Ranjan Kumar "Suman" son of late Nagendra Pd. Yadav, Headmaster Incharge, R/o Mahmud Chowk, P.S.- Muffasil Katihar, District- Katihar.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate.

For the O. P./s : Mr. A. Dayal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE MIHIR KUMAR JHA
ORAL ORDER

2 16-04-2015

Heard learned counsel for the parties.

The petitioner faces prosecution for offence under Sections 354 and 354A of the Indian Penal Code. Such complaint against him of making attempt to outrage the modesty has come from a lady teacher of the school in which the petitioner is working as an Incharge Headmaster.

Learned counsel for the petitioner submits that a false allegation was made against the petitioner on account of certain report submitted by the petitioner against the complainant lady teacher. In support of such submission certain documents have been relied upon by filing a supplementary affidavit by the learned counsel for the petitioner who has also tried to impress upon this Court that now the matter has been compromised.



Normally, under such a situation, it was quite easy for this Court to reject the prayer for grant of anticipatory bail because the petitioner is a teacher and, in fact, an Incharge headmaster who is facing allegation of outraging the modesty of a lady teacher. The allegation reports of the petitioner against the complainant lady teacher infact are also subsequent to the date of filing of the complainant. The subsequent compromise also does not mean that such an occurrence did not take place. Such compromise at best is an evidence that the lady teacher did not want to pursue the matter further and now the prosecution in all fairness is not going to succeed.

This Court, however, in order to be sure that whatever defence has come from the petitioner can get reflected from the statement of the complainant would direct the court below to record her statement under Section 164 Cr.P.C. within 4 weeks from the date of receipt of this order and if it is found that she no longer supports the earlier allegation made by her, in her statement to be recorded under Section 164 Cr.P.C., the petitioner on surrender within six weeks from today will be enlarged on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount to the satisfaction of the learned Chief Judicial Magistrate, Katihar in connection with Prampur P.S.Case No. 10 of 2014,

subject to the following conditions:

(1) That both the bailors will be close family relatives of the petitioner, who will undertake an affidavit giving genealogy as to how they are related with the petitioner. The bailors will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the affidavit shall clearly state that the petitioner is not accused in any other case and if he is, he shall not be released on bail.

(iii) That the bailors shall also state on affidavit that they will inform the court concerned, if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of his bail on the ground of misuse.

(iv) That the petitioner will be well represented on each and every date in course of trial and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled on this ground alone.

This Court, however, having found that the petitioner,

being an Incharge Headmaster, is facing prosecution for offence under Sections 354 and 354A of the Indian Penal Code, would direct the competent authority of the Education Department that the petitioner should be removed forthwith from the post of acting Headmaster and someone else from the cadre of regular teacher, be appointed as a permanent Headmaster of the school in question in place of the petitioner within six weeks from the date of receipt of this order.

With the aforesaid observation and direction this application is disposed of.

(Mihir Kumar Jha, J)

Sujit/-

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