

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.2974 of 2017**

Arising Out of PS.Case No. -22 Year- 2016 Thana -MAHILA THANA District- BEGUSARAI

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1. Rajesh Kumar, S/o Late Sankar Sah, Resident of Village- Pipra, Behind  
G D. College, P.S.- Begusarai Mahila, District- Begusarai.

.... .... Appellant/s

Versus

1. The State of Bihar.

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Rakesh Kumar

For the Respondent/s : Mr. Sri Sadanand Paswan

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

5      27-11-2017                      The appellant has challenged the order dated  
  
11.09.2017 passed by the learned Additional Sessions Judge I-cum-  
  
Special Court, POCSO Act, Begusarai in connection with Begusarai  
  
(Mahila) P.S. Case No. 22/2016, whereby the prayer for being  
  
released on bail, in anticipation of his arrest, has been rejected.

The petitioner is said to be running a school in the  
name and style of “Om Children Academy Residential School”. The  
12 year old daughter and 7 year old son of the informant were  
studying in that school. It has been alleged that when the informant  
met her daughter in the school, she confided in her that the  
petitioner, on some pretext or the other, misbehaved with her. When  
the informant confronted him, the petitioner and his wife Mamta  
Devi abused and assaulted the informant and also threatened her of  
dire consequences.

Though the daughter of the informant in her statement



made under Section 164 of the Cr.P.C. has supported the prosecution version, but the other students of the school have stated that because the daughter of the informant always used to talk to some persons on telephone in class, for which she was chastised, that the present case has been lodged. That apart, learned counsel for the appellant has submitted that the police, after investigation, found the allegation to be false and submitted final form; but differing with the police report, cognizance has been taken.

The offences under Sections 354B, 323 and 506 of the Indian Penal Code do not appear to have been made out from the facts of the case. The provisions of SC/ST Act also appear to have been added to add colour and seriousness to the case.

For the facts stated above, the order, dated 11.09.2017 is set aside.

The appellant is directed to be released on bail, in the event of his arrest/surrender, on his furnishing bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each, to the satisfaction of the learned Additional Sessions Judge I-cum-Special Court, POCSO Act, Begusarai in connection with Begusarai (Mahila), P.S. Case No. 22/2016.

**(Ashutosh Kumar, J.)**

Rakhi

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