

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.57228 of 2017

Arising Out of PS.Case No. -32 Year- 2017 Thana -MAHILA PS District- AURANGABAD

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Jayant Kumar Singh, S/o Nand Kishore Singh, R/o Village- Sonbrasa , P.S.- Aurangabad (M), District- Aurangabad, at present In Charge Headmaster of Govt. Middle School, Karhara, P.S.- Aurangabad (M), Distt.- Aurangabad (Bihar).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Smt. Anusuiya Jaiswal, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

2 06-12-2017 Heard learned counsel for the petitioner and the State.

The petitioner apprehends his arrest in **Aurangabad Mahila P.S. Case No. 32 of 2017** instituted for the offence under Sections 376 and 323 of the Indian Penal Code.

There is allegation in the written report that this petitioner who was the Headmaster of the school started coming to the house of the informant when difference arose between informant and her husband. The informant is also teacher in that school. The petitioner also tried to commit physical relationship with her and on giving allurement he committed forceful sex with her. It is further alleged that on 21.9.2017 also the petitioner committed illegal act with the informant for which altercation took



place between her and the petitioner.

It is admitted position that this petitioner is Headmaster of the school and informant is also teacher in that school. Section 376(2)(b) Indian Penal Code speaks of committing rape on a woman in the custody of a public servant subordinate to such public servant.

The statement of the informant has been recorded under Section 164 Cr. P.C. wherein she has supported the allegation against this petitioner. It further appears that petitioner has criminal antecedent also.

Learned counsel for the petitioner has submitted that the instant case has been filed by the informant after filing of the complaint by the petitioner to Block Development Officer, against the informant of her late arrival in the school. She also gave threat to the petitioner. It has further been submitted that even if the relationship is taken to be correct, then from the written report itself it would be apparent that she was major lady and that relationship was continued for more than 1 ½ years. Therefore, it will be taken to be act done with consent.

From the allegation in the written report it appears that petitioner has committed offence in terms of Provision of Section 376(2)(b) Indian Penal Code as being the Headmaster, has



allured a lady who is subordinate teacher in his school, and has exploited her sexually by giving such allurement.

In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.

Prayer for anticipatory bail of the petitioner stands rejected.

(Sanjay Priya, J)

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