

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.12859 of 2017

Arising Out of PS.Case No. -167 Year- 2016 Thana -BIHARIGANJ District- MADHEPURA

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1. Pawan Kumar, Son of Upendra Yadav, Resident of Village- Kumharpur,
P.S.- Bihariganj, District- Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma

For the Opposite Party/s : Mr. Sri Ashok Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

3 11-05-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offences punishable under Sections 341, 354(A), 354(B), 506/34 of the Indian Penal Code and Section 9(F) of the Protection of Children from Sexual Offences Act and Rules 2012.

According to FIR, the petitioner and another teacher, allegedly, sexually assaulted the informant who was a student thereat.

Submission of the petitioner is that due to village politics and at the instance of the local Mukhiya, the present false case has been lodged. In the past also a teacher was sent to jail on similar false allegation.

The case diary would reveal that due to village



politics, the case has been lodged. Some of the female teachers of the school have stated before the police that no such occurrence was reported to them, though they were present on the alleged date of occurrence.

Considering the facts and circumstances of the case, let the petitioner, above named, who has got no criminal antecedent, in the event of his arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-1st-cum-Special Judge, POCSO Act, Madhepura/successor Court in connection with Bihariganj Police Station Case No. 167 of 2016, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the petitioner shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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