

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.1647 of 2018

Arising Out of PS. Case No.-112 Year-2018 Thana- SAHPUR District- Patna

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Md. Kalim @ Md. Kalim Ahmad, son of Late Md. Wasi Ahmad, resident of mohalla-New Millat Colony, Sector-3, P.S. Phulwarisharif, District Patna, presently posted as Head Master Primary School Usari, P.S.Shahpur, District Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Thakur and Mr. Nilesh Kumar
Advocates

For the Respondent/s : Mr. Sri Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 22-05-2018 Heard learned counsel for the appellant and learned special P.P. for the State.

This is an appeal under Section 14 A(2) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 against refusal of the prayer for bail in connection with Shahpur P.S. Case No. 112 of 2018 registered under Sections 354A, 294B of the Indian Penal Code and Section 12 of the POCSO Act and Section 3(w)(ii) of the SC/ST (Prevention of Atrocities) Act.

Learned counsel for the appellant has submitted that the appellant is the Incharge Head Master of the school. He has no concern with taking classes. He is only doing his



administrative work.

Case diary has been received. The statement of other students has been recorded in para 28 of the case diary wherein they have denied about the allegation levelled against the appellant. It is further submitted that other witnesses including the teachers have also denied about the allegation levelled against the appellant as mentioned in paragraph nos. 26 and 27 of the case diary.

In the written report, it is alleged that the daughter of the informant was the student of class V in the aforesaid school. She made complaint that appellant used to show porn video in class room from his mobile phone.

Learned counsel for the appellant submits that in the class room there are other students also. But none of the students have made any such allegation against the appellant. The statement of other students of class have been recorded in paragraph no. 28 of the case diary, wherein they have specifically denied about such allegation against the appellant.

Appellant is in custody since 22.04.2018.

Considering the aforesaid facts, let the appellant, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like



amount each to the satisfaction of the learned Additional District & Sessions Judge-I cum-Special Court, POCSO Act, Patna in connection with Special case No. 69 of 2018 arising out of Shahpur P.S. Case No. 112 of 2018, subject to the condition that both the bailors should be the close relative of the appellant.

Accordingly the impugned order is set aside and the appeal stands allowed.

(Sanjay Priya, J)

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