

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12846 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- MAHILA P.S. District- Patna

JWALA PRASAD SINGH @ SANTOSH KUMAR SINGH Son of
Rambhushan Singh Resident of Koylakund, Kharsand, Hayaghat, Bilashpur,
District - Samastipur, At present Smart Kids School, Road No.- 23, Rajeev
Nagar, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rakesh Kumar

For the Opposite Party/s : Mr. Shailendra Kumar

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 20-06-2022 The learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehends his arrest for the
offences alleged under Section 376 of the Indian Penal Code,
registered in connection with Mahila P.S.Case No. 107 of 2020.

The prosecutrix, as per the medical examination,
aged about 14-16 years, lodged the FIR, alleging therein that
on 17th August, 2020 at about 4.30 P.M., she was sexually
ravished by the petitioner. She was a teacher in the school of
the petitioner named as Smart Kids School. She requested the
petitioner to provide Rs. 40,000/- on credit and the petitioner, in
lieu of providing that money, asked her for physical
relationship. He assured that the money, if provided, will be



deducted from her salary in instalments. As per allegation, on 17th August, 2020, the petitioner, after sending all girls home, asked the informant to remain in office on the pretext that some clients are coming to the school and her presence was necessary. He brought her inside the office and committed rape upon her. Thereafter on so many occasions also he committed rape on the informant. When she threatened him to lodge a police case, he ousted her from the school. He deducted the money from the salary despite the fact that the said money was not transferred into the account of the informant. She narrated the entire occurrence to her husband Sonu Kumar. At the time of lodging of the FIR, she was pregnant for five months.

The learned counsel for the petitioner has submitted that the occurrence is alleged to have taken place on 17.08.2020, whereas the FIR was lodged on 24th September, 2020. He has submitted further that as per the school register, she did not come to school on 17th August, 2020 to perform her duty.

On the other hand, the learned APP has submitted that in her statement under Section 164 of the Cr.P.C. the prosecutrix has stated that the petitioner had sexually ravished her on three occasions even when she was pregnant. She had demanded money in advance for operation of her mother and on the pretext of providing money, he committed rape upon her. Despite that, the money was not transferred into her account.

The reason for delay in lodging the FIR has been mentioned in the statement under Section 164 of the Cr.P.C. itself in which in paragraph 4 the victim has stated that the petitioner was threatening her to damage her career and it was the reason that due to fear she did not narrate the occurrence to anyone.



The learned counsel for the petitioner, though stated that on 17th August, 2020 the informant was on leave, but the her leave application has not been annexed with the record, rather the entry in register has been produced, custodian whereof is the petitioner himself.

Investigation is still continuing, as such, I do not think it a fit case for anticipatory bail. The anticipatory bail petition is hereby rejected.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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