

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23217 of 2021

Arising Out of PS. Case No.-314 Year-2020 Thana- BANMANKHI District- Purnia

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Girish Mandal @ Girish Kumar Son Of Late Lakshmi Mandal Resident Of
Village- Domrahi Banmankhi, Police Station- Banmankhi In The District Of
Purnea

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 27-01-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as the

learned APP for the State through video conferencing.

The petitioner apprehends his arrest in connection

with Special (POCSO) Case No. 89 of 2020 arising out of

Banmankhi P.S. Case No. 314 of 2020, registered for the

offences punishable under Sections 354A, 354B, 341 of the

Indian Penal Code and Section 8, 10 of POCSO Act.

The informant is a girl student of class 10th and the

petitioner is her tutor. The allegation as per F.I.R. is that she

used to go to the residence of the petitioner for tuition.



Whenever, the petitioner found her alone he always touched the tender and private part of her. On 28.11.2020 at 2.00 P.M. she went to the house of the petitioner for tuition. On some pretext, the petitioner sent other students out from the room. The victim already anticipated the action of the present petitioner and after switching on the video of her mobile phone she placed the mobile in the room at the angle where from the videography of the occurrence could be captured. When the petitioner started performing dirty acts, it was captured by the mobile phone of the victim. Firstly, she sent the clip to her friend Pari Kumari through Whatsapp and also showed the video clip to her mother so that her mother could believe about the dirty act of the petitioner. Later on, the victim came to know that the said video had become viral.

Learned counsel for the petitioner has submitted that the petitioner is a renowned teacher of the locality and his age is 61 years. He is performing tuition for a period of 40 years. At the time of performing tuition he does not remain in this house alone, rather his family members, his wife, son and daughters are also in the same house. It has further been submitted that the petitioner used to touch the chicks of the students in affection as a teacher when the students were performing good in the class.



The further submission is that the victim has filed compromise petition after perceiving the real facts.

The learned court below has mentioned the statement of the victim girl under section 164 Cr.P.C. in which she has supported the fact of sexual harassment by the petitioner. In para 5, 6, 7 and 8 of the case diary, the witnesses have also supported the prosecution case.

In my opinion, it is not a fit case for anticipatory bail. Accordingly, the present anticipatory bail application is rejected.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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