

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1717 of 2022

Arising Out of PS. Case No.-32 Year-2022 Thana- NAYA RAM NAGAR District- Munger

MUKUL PRAKASH PATHAK S/o Praduman Pathak Headmaster, Middle School, Ramnagar Resident of Village- Panchrukhi, P.S.- Dharhara, District- Munger.

... .. Appellant/s

Versus

1. The State of Bihar
2. Kaushal Kumar S.I. Officer in charge Nayaram Nagar, P.S. Distt- Munger

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Dineshwar Mishra
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 26-09-2022 Heard learned counsel for the appellant.

Learned counsel for the appellant is directed to remove all the defects pointed out by the Stamp Reporter within one month.

This appeal has been preferred on behalf of the appellant under Section 14-A (2) of the SC & ST (Prevention of Atrocities) Act for setting aside the order dated 07.05.2022 in connection with Naya Ram Nagar P.S.Case No. 32 of 2022, registered for the offences punishable under Sections 354A and 504 of the Indian Penal Code and Sections 3(i)(r)(s)(w)(ii)/3(2) (va) of SC and ST (Prevention of Atrocities) Act and Sections 10 and 12 of the POCSO Act, whereby the prayer for



anticipatory bail of the appellant has been rejected.

The informant is the SHO of Nayaram Nagar Police Station. He got a secret information that few days ago, the headmaster, who is the present appellant, misbehaved with a girl student. The informant went there and he was apprised that the appellant called the victim, who is minor daughter of Girish Paswan, and asked the victim to kiss him. The victim narrated the incident to her parents and the parents denied to complain against the appellant.

Learned counsel for the appellant has submitted that Shankar Pal Singh who is a teacher of the school is instrumental in this false story. At his instance, the case has been lodged. During investigation, neither the parents nor the victim has supported the incident. Due to personal grudge, Shankar Pal Singh falsely implicated the appellant in this case.

On the other hand, learned Special P.P. for the State has opposed the prayer for anticipatory bail.

The first informant is not the parents of the victim nor the victim herself. The first informant is the SHO. The victim and her parents did not support the incident during the course of investigation, as such, the present occurrence does not appear prima facie to be believable.



Considering the facts and circumstances, the appeal is allowed and the impugned order dated 07.05.2022 is set aside. Accordingly, in the event of arrest or surrender within four weeks from today, the appellant, above-named shall be released on anticipatory bail on furnishing bail bond of Rs. 10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Judge (POCSO Act)-cum-Additional Sessions Judge-VI at Munger in connection with Naya Ram Nagar P.S.Case No. 32 of 2022.

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

(Nawneet Kumar Pandey, J)

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