

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16685 of 2021

Arising Out of PS. Case No.-96 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

MD ANWAR ALAM @ ANWAR ALAM S/o Mahboob Ali The then Superintendent, Boy039 Childeren Home, Bhagalpur, R/o- At House of Samimuddin House No. 98, Bari Khanjarpur, Momin Lane, P.O.- Barikhanjarpur, District- Bhagalpur, Bihar and Permanent R/o Village- Mojahid, P.O. and P.S.- Parbatta, District- Khagaria, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar
2. CENTRAL BUREAU OF INVESTIGATION SPECIAL CRIME BRANCH, PATNA BIHAR

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 7119 of 2022

Arising Out of PS. Case No.-96 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

SMT. GEETANJALI PRASAD W/o Sri Vijay Kumar Resident of Village - Govindpur, P.s.- Vikram, Distt.- Patna.

... .. Petitioner/s

Versus

The Central Beuro of Investigaton through its Director Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 12001 of 2022

Arising Out of PS. Case No.-96 Year-2018 Thana- INDUSTRIAL District- Bhagalpur

ANANT KUMAR RAM Son of Late Basudeo Ram Resident of Village - Bhawanpoura, P.s.- Kharik, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 16685 of 2021)

For the Petitioner/s : Mr. Syed Asfar Alam

For the Opposite Party/s : Mr. Avanish Kumar Singh, S.P.P., C.B.I.

(In CRIMINAL MISCELLANEOUS No. 7119 of 2022)

For the Petitioner/s : Mr. Madhav Raj



For the Opposite Party/s : Mr. Bipin Kumar Sinha
(In CRIMINAL MISCELLANEOUS No. 12001 of 2022)
For the Petitioner/s : Mr. Binod Kumar
For the State : Mr. Pranav Kumar
For the C.B.I. : Mr. Avanish Kumar Singh Advocate, S.P.P.

CORAM: HONOURABLE MR. JUSTICE ARVIND SRIVASTAVA
ORAL ORDER

17 23-03-2023 Heard both sides.

The petitioners apprehend their arrest in connection with Industrial P.S. Case No. 96 of 2018 registered under Sections 323, 342, 377, 120B and 201 of the I.P.C., Sections 6, 9, 10 and 17 of the POCSO Act, 2012 and Sections 75, 82 and 85 of the J.J. Act, 2015.

Submission of learned counsel for the petitioners is that petitioners are innocent and have falsely been implicated in the present case. Further submission is that petitioner, namely, Md. Anwar Alam @ Anwar Alam is not named in the F.I.R. He was the Superintendent of Boy's Children Home, Bhagalpur for a period of only 15 days from 29.01.2018 to 13.02.2018 and the F.I.R. has been lodged on 18.07.2018. So far as petitioner Geetanjali Prasad is concerned, learned counsel submits that initially she was suspended but finding her non-involvement in the aforesaid case, her suspension has been revoked and she has currently posted at Begusarai. As regards, petitioner Anant Kumar Ram, it is submitted that he had already resigned from the post of Grih-Pita on 27.12.2017 much prior to the lodging of



the present first information report and as such, he has no concerned with the alleged occurrence.

Learned counsel for the opposite parties opposed the prayer of the petitioners by contending that there is specific allegation against the petitioners of assaulting and using children for personal work and not giving proper food to them. It is further contended that children were time and again given threat of life and the petitioner, namely, Md. Anwar Alam @ Anwar Alam used to hit the children by elbow (Kohani). The petitioner, namely, Geetanjali Prasad was working on the post of Assistant Director Child Protection Unit, Bhagalpur and she had the responsibility of assessing the harassment and traumatic experience faced by the children in which she failed. It is also contended that a person having knowledge of any sexual harassment against child or any of the offences under the POCSO Act has a duty to report the offence, otherwise, failure to report the same attracts punishment under Section 21 of the POCSO Act. As regards petitioner Anant Kumar Ram, learned counsel submits that children had made complaint to him regarding the offence committed against them, but the petitioner did not take any steps on the complaints. It is further submitted that although he had resigned from the post on 27.12.2017 but



many child witnesses have stated that they also made complaint to him during his working tenure. Despite having knowledge of harassment and traumatic experiences faced by the children, he did not take any action against the culprit. Hence, they do not deserve the privilege of anticipatory bail.

Having considered the facts and circumstances of the case, the nature of the allegation and the submissions advanced on behalf of the parties, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, prayer of the petitioners is rejected.

(Arvind Srivastava, J)

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