

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23264 of 2023**

Arising Out of PS. Case No.-81 Year-2023 Thana- AHIYAPUR District- Muzaffarpur

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ARUN TIWARY SON OF LATE KAILASH TIWARI R/O VILLAGE-
BHIKHANPUR, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Karandeep Kumar, Adv.

For the Opposite Party/s : Mr.Sunil Kumar Pandey, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

2 18-05-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Ahiyapur P.S. Case No. 81 of 2023 dated 22.01.2023
registered for the offence under Sections 376(A)(B) and
354(A) of the Indian Penal Code and Section 6 of the POCSO
Act.

The petitioner is alleged to have attempted to
outrage the modesty of the daughter of the informant.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. He
further submits that the allegation, as alleged in the F.I.R, is



false and fabricated as no such occurrence has taken place. He further submits that the petitioner happens to be a teacher and he used to teach the daughter of the informant and he never ever kept devil eyes upon the victim. He further submits that there is no eye witness to the alleged occurrence. The petitioner is rotting in judicial custody since 22.01.2023.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that though the petitioner is stated to be a teacher by his profession but his sinful act, as described in the F.I.R., being supported by the statement of the minor victim under Section 164 Cr.P.C., which at paragraph-21 of the case diary, clearly depicts the immoral and antisocial activity of the petitioner committed with his student as such, the statement of the minor victim cannot be overlooked and disbelieved. The victim in her statement categorically described the disgusting and monstrous act of the petitioner which could not be expected from any of the person who is in teaching profession. Besides that the medical examination of the victim fully supported the prosecution version as the doctor has found scratch marks on the external part of the genital of the



victim. Hence, the petitioner does not deserve to be enlarged on bail.

Considering the facts and circumstances of the case and the nature of offence as well as age of the victim and her statement, this Court is not inclined to enlarge the petitioner on bail. Accordingly, prayer for bail of this petitioner is, hereby, rejected.

(Rajesh Kumar Verma, J)

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