

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28180 of 2024

Arising Out of PS. Case No.-88 Year-2024 Thana- KUDHNI District- Muzaffarpur

Rakesh Kumar Son Of Late Kedar Prasad Resident Of North Side Or Baraham Stan, Majhauriya Khetal, Majhauri, P.S. - Sadar, District - Muzaffarpur Posted As Principal Of Higher Secondary Middle School (U.U. Madhy Vidhyalay), Karamchand, Rampur, Balra, P.S. - Kudhani, District – Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Soni Shrivastava, Advocate Mrs. Aditi Sharma, Advocate Mr. Gaurav Singh, Advocate
For the Opposite Party/s	:	Mr. Chandra Bhushan Prasad, APP Mr. Rakesh Mohan Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner, learned APP along with learned counsel appearing on behalf of informant.

2. The petitioner seeks bail in anticipation of his arrest in a case registered for the offences punishable under Sections 341, 323, 324, 307, 353, 504 and 34 of the Indian Penal Code in connection with Kudhani P.S. Case No.88 of 2024.

3. The learned counsel for the petitioner submits that it is a peculiar case where informant is the District Education Officer (DEO) and the petitioner is the Headmaster of a government school, both have their own version of the story. The learned counsel for the petitioner next submits that the



informant instituted the instant FIR alleging that he received an information on his mobile from Santosh Kumar, Account Assistant-cum-Data Entry Operator that he is being threatened and misbehaviour is being meted out by the petitioner, accordingly the informant based on the information rushed to the school and commenced his inspection to ascertain the actual situation. Further at the time when the informant had come for inspection outsiders were also present in the school. It is next alleged that during inspection, the petitioner lost his temper and started abusing the informant and took out a knife and attacked him with intention of killing him, but the informant tried to defend himself and sustained an injury on his eyebrow and on other parts, further the assault was carried by the petitioner, teachers and other unknown outsiders when the informant tried contacting the senior officer about the incident by his mobile when petitioner tried to snatch his mobile also.

4. The learned counsel for the petitioner submits that from bare perusal of the allegations as alleged in the FIR, it would manifest that the same is cryptic, vague and does not inspire confidence, for the reason that it absolutely does not stand to reason that on mere information of a Data Operator, the District Education Officer of the district would have rushed to



the school for verifying the allegations of the Data Operator. It is next submitted that when the allegations are viewed closely, it would manifest that the informant alleges that the Data Operator of the school had called him up, informing that he was being threatened by the petitioner, who is the Principal of the school, but then the FIR does not even remotely suggest the nature of threat given by the petitioner to the Data Operator, which he conveyed to the District Education Officer, based on which the DEO had to rush to the place of occurrence for verifying the allegations.

5. It is further submitted that a specific pleading has been made at Para-8 of the anticipatory bail application, wherein it has been stated that the Data Operator was pressurizing the petitioner to accept bogus funds under the guise of installing a submersible pump in the school with the intention of misappropriating government funds, to which the petitioner did not agree as the submersible pump was already installed in the school from the funds of Zila Parishad. The said denial of the petitioner to the offer of the Data Operator led the informant to rush to the school for obvious reason.

6. It is further submitted that at Para-9, it has been specifically pleaded that the informant was making illegal



demands from the petitioner to which the petitioner objected and the same led to a scuffle in which the petitioner and informant sustained injuries. It is also submitted at the cost of repetition that what complaint the Data Operator made to the informant which led the informant to rush to the school is not disclosed in the FIR, which casts an aspersion on the conduct of the informant.

7. It is next submitted that the petitioner is aged about 57 years and his career has remained blemishless and all of a sudden at the fag end of his career, he came to be implicated by the informant with an allegation that when he went to inspect the school on complaint of Data Operator the petitioner objected and assaulted him by knife along with others causing injury near his eyes.

8. The learned counsel next draws the attention of the Court to the injury report of the injured to submit that no doubt three of the injuries (which even includes headache) suffered by the informant are said to be grievous but then that is caused by hard and blunt substance and not by a sharp-edged weapon, thus it is submitted that in order to give seriousness to the case, the informant made a false allegation that he was assaulted by knife.

9. The learned counsel further submits that since FIR



on behalf of the petitioner was not instituted as such he filed Complaint Case No. 485 of 2024 along with injury report.

10. It is further submitted that clout of the informant can well be appreciated from the fact that the police did not even bothered in misusing the process of law. It is submitted that the FIR came to be instituted on 04-03-2024 and non-bailable warrant of arrest was issued on 07-03-2024 and thereafter an application seeking process under Section 82 Cr.P.C. was filed on 14-3-2024, though the petitioner had moved the learned district court by filing ABP No. 986 of 2024 on 13-3-2024, i.e., prior to an application being filed by the I.O of the case seeking process under Section 82 Cr.P.C.

11. It is also submitted that petitioner is a headmaster of a government school and he is being treated like a criminal as would manifest from the counter affidavit filed on behalf of the Senior Superintendent of Police, Muzaffarpur, as the pleading made in the counter affidavit gives an impression that a dreaded criminal was not being apprehended as such the police had no option but to seek non-bailable warrant of arrest and after issuance of non-bailable warrant of arrest when the criminal was not arrested, the police petitioned the Court seeking process under Section 82 Cr.P.C. which was issued by the Court on the



same date for mere asking when the law relating to process under Section 82 Cr.P.C. is clear that it is sought not for aiding the police in investigation but for ensuring the appearance of the accused before the court, but in the present case the Court even granted process under Section 82 Cr.P.C. merely on asking of the police without due application of mind, when the petitioner was not absconding, rather was seeking his remedies available in law.

12. It is next submitted that at the cost of repetition that petitioner is headmaster of a government school, his service has remained blemishless and both side have assaulted each other for which a complaint on behalf of the petitioner has been filed and the injury report of the injured does not record or even remotely suggest that the injury was caused by knife or sharp-edged weapon which amply demonstrates that in order to give serious colour to the case, it has been alleged that informant was assaulted by knife, it is also submitted that it appears that the injury report is also manipulated, as headache also has been opined grievous in nature.

13. The learned APP and the learned counsel appearing on behalf of informant opposes the anticipatory bail application, but then are not in a position to rebut the submissions of the



learned counsel appearing on behalf of petitioner that the injury report does not even remotely suggest that the injury was caused by a sharp-edged weapon or knife nor the FIR even remotely suggest that what was the nature of the complaint which prompted the informant to rush immediately to the school for inspection, which casts an aspersion on the case of the prosecution.

14. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.C.J.M., Ist, West Muzaffarpur in connection with Kudhani P.S. Case No.88 of 2024, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

15. The application stands allowed.

(Satyavrat Verma, J)

Prakash Narayan

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