

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49698 of 2021**

Arising Out of PS. Case No.-167 Year-2017 Thana- BRAHMPUR District- Buxar

Ram Ganesh Yadav, aged about 57 years, Male, S/o Late Shiv Das Yadav, R/o village- Jawahi, P.O.- Baluwa, P.S.- Brahmpur, Distt.- Buxar, at present posted as principal of the 10 plus 2 High School, Nimej, Buxar.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Shailendra Kumar Choubey, Advocate
For the Opposite Party : Mr. Ram Bilash Roy Raman, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 21-02-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Brahmpur P.S. Case No. 167 of 2017 dated 26.05.2017 registered for the offences punishable under Sections 376/34 of the I.P.C. and Sections 6/9 (F)(G) of the POCSO Act, 2012

3. As per prosecution case, the victim went to the school to appear in her Geography Examination and an unknown boy told her that the Headmaster (petitioner) was calling her on the roof of the school building. Subsequently, another co-accused, Deepak Sahni, joined and intercepted her by covering her mouth. When they were going on the roof of the



school building. On the roof of the school building, the petitioner alongwith the co-accused, Deepak Sahani raped her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that from perusal of the F.I.R., it appears that the victim had gone to school to attend the examination of Geography Subject and during the investigation, the Investigating Officer, has seized the copies of examination programme and admission form of the victim and from perusal of the same, it appears that the examination of all the subjects of the victim had already been finished before the alleged date and time of occurrence and there was no any examination of the victim on the alleged date and time of the occurrence which clearly falsifies the prosecution case. It is submitted that the petitioner is a Headmaster of the school in question and during the school hour where their staff and students are present in the school and ignoring all these things, leaving his office, the petitioner being the Headmaster of the said school has to go on the roof of unconstructed building alongwith the students to do such type of act surfaced commonly with students is very disbelievable. It is further submitted that the alleged occurrence took place on 25.05.2017



in the morning and the F.I.R. was lodged on 26.05.2027 for which no explanation has been given by the prosecution and within five days, the statement of the victim under Section 164 Cr.P.C. has been recorded on 01.06.2017. It is further submitted that there are vast contradictions in the fardbeyan and the statement of the victim recorded under Section 164 Cr.P.C. It is further submitted that the co-accused Deepak Sahni was arrested and he confessed that there was love affair between him and the victim and he has given one mobile phone with SIM to the victim and who had also telephonic talk with Deepak Sahni daily. It is further submitted that the victim's sister has passed out Matric Examination but her scholarship worth Rs. 10,000/- was not given to her and it is further submitted that the victim had taken admission in 9th class in the year 2016 but her bicycle amount Rs. 2500/- was also not given to her. The petitioner has taken charge of the Headmaster since January, 2017. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner alongwith the co-accused, Deepak Sahani committed rape on the victim on the roof of the school building.



6. Considering the aforesaid facts and circumstances of the case as well as heinous nature of allegation against the petitioner, this Court is not inclined to grant anticipatory bail to the petitioner and the same is rejected with a direction to the petitioner to surrender before the learned court below within a period of six weeks from the date of receipt/production of a copy of this order and the learned court below may consider the prayer for regular bail of the petitioner in accordance with law and on its own merits without being prejudiced of the order of this Court in connection with Brahmpur P.S. Case No. 167 of 2017, pending in the court of learned Additional District and Sessions Judge-VIth-cum-Special Judge, POCSO Act, Buxar.

7. Accordingly, the anticipatory bail application of the petitioner stands rejected.

(Chandra Prakash Singh, J)

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