

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49673 of 2023

Arising Out of PS. Case No.-16 Year-2016 Thana- SURYAGARHA District- Lakhisarai

Tijo Thomas @ Tijoman V T @ Tijoman V T Thomas, aged about 40 years, Gender-Male, Son of Thomas @ Thamas, Resident of Village- Odemeshar, P.O.- Mana, P.S.- Kelakam, Distt- Kanoor, State- Kerala. Present address- St. Marry English School, Gaurishankar Road, Katehar, P.S.- Surajgarha, Distt- Lakhisarai.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Binay Kumar, Advocate
For the State	:	Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

3 29-01-2024 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in connection with Surajgarha P.S. Case No. 16 of 2016, arising out of G.R. Case No. 155 of 2016 dated 05.02.2016 registered for the offences punishable under Sections 366/34 of the I.P.C. in which cognizance has been taken under Sections 366 and 376 of the I.P.C.

4. As per the prosecution case, the informant's



daughter, Puja Kumari, was a teacher in St. Merry English School and on 04.02.2016, she did not attend the school. On the same day at 3.00 P.M., the co-accused Jobis Thomas came to the informant's house and told that her daughter was called by the Principal Tijo Thomas (petitioner) and the informant's daughter went to the school alongwith the co-accused Jobis Thomas. It is further alleged that she did not return her home till 6.00 P.M. Thereafter, the informant went to the school and enquired about his daughter. The Principal Tijo Thomas (petitioner) told him that his daughter had not come there. It is further alleged that Tijo Thomas (petitioner) and his brother Jobis Thomas have kidnapped his daughter.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely implicated in this case. It is submitted that there is no allegation of rape upon the victim against the petitioner. It is further submitted that F.I.R. has been lodged under Sections 366/34 of the I.P.C. but the charge sheet has been filed by the I.O. against the co-accused Jobis Thomas under Sections 366 and 376 of the I.P.C., showing the petitioner not sent up. Thereafter, cognizance has been taken against the petitioner and the co-accused Jobis Thomas. It is further submitted that there is vast contradictions



between the statement of the victim recorded under Section 164 Cr.P.C., and the F.I.R. In the F.I.R., it is alleged that only the co-accused Jobish Thomas came to the victim's house but in the statement of the victim recorded under Section 164 Cr.P.C., she stated that the co-accused Jobis Thomas and Tijo Thomas (petitioner) came to her house. Hence, it appears that the petitioner has falsely been implicated in the present case. The petitioner was the Principal and the victim was the teacher of the said school who is jealous and to get the post of the Principal, the victim and her father lodged the false case against the petitioner. There is no statutory compliance of Sections 164A and 53A of the Cr.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

6. Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

7. Considering the aforesaid facts and circumstances of the case as well as finding substance in the contention of learned counsel for the petitioner, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of



learned court concerned, Lakhisarai, in connection with Surajgarha P.S. Case No. 16 of 2016, arising out of G.R. Case No. 155 of 2016, subject to the condition as laid down under Section 438(2) of the Code of Criminal Procedure.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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