

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85755 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- BEERPUR District- Begusarai

1. Arun Kumar Rai Son of late Gauri Shankar Resident of Gandhi Nagar, Behind Brahamsthan, Ward No. 31, Begusarai nagar, P.S.- Begusarai Town, District- Begusarai.
2. Anil Kumar Son of Alakh narayan Bhagat Resident of Village- Lohiya Nagar, Ward No. 28, P.S. -Lohiya Nagar, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sabal Kumar Jha, Advocate
For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

02. In the present case, the petitioners are apprehending their arrest in connection with Birpur P.S. Case No. 177 of 2022 registered for the alleged offence under Sections 302/34 of the Indian Penal Code and Sections 4, 6, and 21 of the POCSO Act, 2012.

03. As per prosecution case, the dead body of minor daughter of the informant was found hanging in her classroom. The petitioners are teacher in the said school and they have been made accused in this case along with other co-accused persons who are school teachers and the guard of the school for sexual



assault and murder of the daughter of the informant.

04. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. There is nothing against the petitioners except suspicion. The occurrence took place on 12.12.2022 whereas the FIR was lodged on 14.12.2022 and the delay has not been explained. The allegations against the petitioners along with other co-accused persons are completely vague, general and omnibus. During course of investigation, the police found a suicide note from the copy of the deceased and after F.S.L. report, it was found that suicide note was in the handwriting of the deceased. In the postmortem report, doctor has not found any external/internal injury on the body of the deceased and death was said to be caused due to asphyxia as a result of hanging. The deceased was in love with one Shivam Kumar and the mobile phone used by the deceased showed that she was regularly talking with him and one Raushan Kumar. Learned counsel further submits that these two petitioners were not even present in the school at the relevant time as they were relieved from the school for election duty on 5.12.2022 till 20.12.2022 and thereafter they got relieved from election duty on 03.01.2023. The police submitted final report for closure of the case stating it to be a mistake of fact but



the learned trial court without considering the F.S.L. report and the police report, took cognizance against the petitioners. The petitioners are having clean antecedents.

05. Learned A.P.P. for the State opposes the prayer for anticipatory bail.

06. Having regard to the facts and circumstances and submission made on behalf of the parties and considering the vague nature of allegation and distinct lack of substantive material against the petitioners and also considering the probability of false implication, let the petitioners above named, in the even of their arrest or surrender before the court concerned within a period of eight weeks from today, be released on bail, on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand Only) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (POCSO)-cum-Additional Sessions Judge-VI, Begusarai in connection with Birpur P.S. Case No. 177 of 2022, subject to the condition laid down under Section 438(2) of the Code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioners.
- (ii) The petitioners will remain present on each



and every date fixed by the court below, if so
required by the learned trial court.

(Arun Kumar Jha, J)

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