

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.8176 of 2025

Arising Out of PS. Case No.-85 Year-2024 Thana- KUNALI District- Supaul

Pravin Kumar Singh S/o Satyanarayan Singh R/o Village- Sahzadpur, P.S.-
Udakishunganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Amrita Kumari D/o Rohit Kumar Mandal R/o ward no. 2, vill and P.O. and
P.s. - Kunali, Distt.- Supaul, Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rana Vikram Singh Mrs. Rasika Ms. Priti Mr. Janmjay Giridhar
For the Opposite Party/s :		Mr. Humayou Ahmad Khan

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

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| 3 | 14-05-2025 | <ol style="list-style-type: none">1. Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.2. This application, for the grant of anticipatory bail, arises
out of Kunali Police Station Case No. 85 of 2024, dated
01.09.2024, disclosing offences under Sections 75 of the
Bharatiya Nyaya Sanhita and Sections 8 and 12 of the
POCSO Act, 2012.3. The prosecution case, as per the First Information Report, |
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is that the Informant is a student of 10+2 at Jageshwar High School, Kunauli Bazar, Supaul, and the Petitioner is an Assistant Teacher in the said School. It has been alleged that on 29.08.2024, at about 10:30 AM, while the informant was giving her Economics examination alone at Jageshwar High School, Kunauli Bazar, the petitioner approached her and asked for her mobile number on the pretext of giving her favourable marks. When the informant refused, the petitioner used indecent language, touched her inappropriately and dragged her forcibly by holding her hand and continued to molest her. Upon crying, the petitioner let go of the informant and threatened her with dire consequences if she would tell about the incident to anybody. Thereafter, upon reaching home, the informant narrated the incident to her mother and grandmother, and subsequently, a panchayati was held, but the petitioner did not turn up.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has not committed any offence in the manner alleged. The petitioner has falsely been implicated in the present case based on a false and fabricated story to get back at the petitioner, who, on a



previous occasion, reprimanded the informant for her behaviour and confiscated her mobile phone. He next submits that the statement recorded under Section 180 of the Bharatiya Nagarik Suraksha Sanhita and Section 183 of the Bharatiya Nagarik Suraksha Sanhita is completely incongruent and not in line with the First Information Report.

5. He further submits that during the investigation, it has been revealed that the informant has been a troubled child and always had issues with discipline. Referring to the case diary, learned counsel submits that the Supervision Report, dated 09.09.2024, contained in paragraph 31 of the case diary establishes the innocence of the petitioner. In the Supervision Report, dated 09.09.2024, it has been pointed out that the petitioner is of good character and has been in the profession for the last 15 years and on the date of occurrence, the petitioner was not alone in the examination hall as there was another invigilator too, namely, Ganesh Kumar.
6. He further submits that there is an inordinate delay of 3 days in lodging the present FIR, as the alleged incident is said to have occurred on 29.08.2024, while the FIR was



filed on 01.09.2024 and no reasonable explanation for this delay has been provided by the informant, which raises doubts about the authenticity of the FIR and suggests that the case maybe false and concocted.

7. On the other hand, learned counsel for the informant vehemently opposes the prayer for bail and submits that the offence is serious in nature and involves a minor, thereby attracting the rigours of the POCSO Act. He further submits that prosecution story has been supported by the informant in her statement recorded under Sections 180 and 183 of the Bharatiya Nagarik Suraksha Sanhita and by her family members in the case diary. He next submits that the supervision report has been submitted without proper investigation.
8. I have heard learned counsel for the parties and have gone through the materials available on record, including the impugned order and case diary.
9. This Court is mindful of the seriousness of the allegations involved and the object behind the enactment of the POCSO Act, which is to protect children from sexual offences. However, it is equally well settled that bail jurisprudence under Section 438 CrPC is governed by



considerations including the nature and gravity of the accusation, the antecedents of the accused, the possibility of tampering with evidence or influencing witnesses, and the need for custodial interrogation.

10. From the perusal of the supervision report dated 09.09.2024 contained in para 31 of the case diary, on the date of the alleged incident, the petitioner was not alone in the examination hall but was accompanied by another invigilator, namely Ganesh Kumar. In paragraph-43 of the case diary, the statement of Ganesh Kumar was recorded, wherein, he has stated that he, along with the petitioner, was present in the Examination Hall, where the informant was taking her exam. However, he left the exam hall just ten minutes before the completion of exam after arrival of the petitioner. Furthermore, the investigating officer has recorded the statement of several students of the school who described the petitioner as strict, but also stated that he has good conduct with students in general. The supervision report also mentions statements from villagers residing near the school who have vouched for the petitioner's good character, stating that they have known the petitioner for the last 15 years, and to date, no



complaint of this kind has come against the petitioner. It has also been found during the investigation that the informant had a disturbed childhood and had a history of indiscipline and misbehaviour with teachers, particularly when asked to adhere to the school's prescribed dress code.

11. The antecedents of the petitioner are otherwise clean, and no prior complaint of a similar nature has been brought to light. There is also no indication that the petitioner would evade the process of law or tamper with evidence. Taking into account the totality of the facts and circumstances, including the materials collected in the investigation, I am inclined to grant the petitioner privilege of anticipatory bail.

12. This application is, accordingly, allowed.

13. Let the petitioner, above named, in the event of his arrest or surrender before the Court below within four weeks, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Additional District Judge VI, Supaul, in connection with Kunauli Police Station Case No. 85 of 2024, subject to the condition laid



down under Section 482 (2) of the Bharatiya Nagarik
Suraksha Sanhita, 2023.

(Anil Kumar Sinha, J)

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