

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8234 of 2025

Arising Out of PS. Case No.-49 Year-2023 Thana- MAHILA P.S. District- Samastipur

Sudhir Kumar Rai @ Sudhir Rai @ Sudhir Kumar, aged about 32 years, Male, son of Late Ramanand Ray, resident of village- Chakwa, Ward No. 8, P.S.- Sarairanjan, Distt.- Samastipur. At present resident of village- Hasanpur, Jitwarpur Nijamat, Ward No. 16, P.S.- Muffasil, Distt.- Samastipur

... .. Petitioner/s

Versus

1. The State of Bihar,
2. Khushboo Devi, aged about 35 years, wife of Late Vijay Sharma, resident of Village- Jitwarpur, Ward No. 16, P.S.- Muffasil, Distt.- Samastipur

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh, Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the OP No.2	:	None

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

- 3 14-05-2025 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. Nobody appears on behalf of the opposite party no.2.

2. The petitioner seeks bail in connection with Mahila PS Case No.49 of 2023 dated 17.06.2023, instituted for the offence punishable under Sections 354, 354-B, 341/34 of the Indian Penal Code and Sections 8, 12 of the Prevention of Children from Sexual Offences Act.

3. The prosecution case, in short, is that the daughter of the informant, aged about 10 years used to go to *Margdarshan* Academy, Hassanpur, Jitwarpur, for study. On the alleged date



of occurrence, the petitioner, who is the Principal of *Margdarshan* Academy, called her and took her in a room with mustard oil for massaging. Thereafter, the petitioner closed the room from inside and started indecent behaviour with her. The victim started weeping and then the room was opened. She came to house and told about the same to the family members. All the teachers fled away from there and the land-lord did not provide the Aadhar card of the teachers.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to village politics. The date of occurrence is 08.06.2023 but the FIR has been lodged on 17.06.2023 i.e. after the delay of nine days without any plausible explanation for the same. Further submission is that the informant has stated in the FIR that the petitioner called her daughter, took her in a room and molested her but the victim in her statement under statement under Section 161 and 164 of the Code of Criminal Procedure, has stated that the petitioner had confined her in a room and laid down on the bed and did some unwarranted activities. It is also submitted that there is vast discrepancy in the statement made under Section 161 and 164 of the Code of Criminal Procedure. It is further submitted that during investigation the independent



witnesses have stated that on 08.06.2023 some persons of the locality including the family of the victim had entered into the Coaching Centre and they assaulted one teacher Vikash Kumar and demanded *rangdari* and also damaged the property of the Coaching Centre and thereafter this false case has been lodged. Further submission is that the petitioner filed an application before the Muffasil PS but the police did not register the case and thereafter the petitioner sent the application to the SHO, Muffasil PS, Dy. SP, Samastipur and the Superintendent of Police, Samastipur on 17.06.2023 through speed post. It is also submitted that the statement of several independent witnesses have been recorded in the case diary in paragraph nos. 101, 102, 103, 104 and they have denied the allegation levelled against the petitioner. It is also submitted that the petitioner is running the Coaching Centre in the house of Dharmendra Baitha for the last five years and some local people including the uncle of the victim used to extort money and on 08.06.2023 uncle of victim, Manoj Sharma came in the Coaching Centre with deadly weapon along with others and assaulted one of the teacher, Vikash Kumar, and damaged the property as well as looted the money for which Samastipur Muffasil PS Case No.344 of 2023 dated 19.07.2023 was lodged under Sections 341, 323, 384, 427,



379, 504, 506 of the Indian Penal Code. Lastly, it is submitted that the petitioner is in custody since 24.12.2024 having no criminal antecedents. Charge-sheet has been submitted in the case.

5. Learned APP has opposed the prayer for bail.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Additional Sessions Judge VI cum Special Court (POCSO Act), Samastipur, in Mahila PS Case No.49 of 2023.

7. The application stands allowed.

(Khatim Reza, J)

J. Alam/-

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