

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31578 of 2025

Arising Out of PS. Case No.-504 Year-2023 Thana- NARHATT District- Nawada

Pappu Kumar Sao S/o- Late Srichand Sao Village- Rasalpura Police station- Sitamadhi O.P. Narhat District- Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Lalsa Kumari D/o- Sanjay Manjhi Village- Rasalpura Police station- Sitamadhi District- Nawada

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajeev Nayan, Advocate
For the Opposite Party/s : Mr.Usha Kumari 1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL JUDGMENT

Date : 03-07-2025

Heard Mr. Rajeev Nayan, learned counsel appearing on behalf of the petitioner and Ms. Usha Kumari-1, learned A.P.P. for the State.

2. This application has been preferred under Section 482 of the Code of Criminal Procedure (in short, the “Cr.P.C.”) as to quash the order dated 07.03.2025 passed by learned Additional Sessions Judge-VI-cum-Special Judge (POCSO Act), Nawada in POCSO Case No. 10 of 2024, arising out of Narhat (Sitamarhi P.S. Case No. 504 of 2023 registered for the offences punishable under Sections 341, 323, 504, 506 of the Indian Penal Code and Section 8/12 of



the POCSO Act and under section 3(i)(r)(s)(w) of the SC/ST Act, whereby learned Special Judge, has been pleased to reject the prayer of discharge.

3. In brief, case of the prosecution speaks that the informant, who is a student of the private school of Rasalpura, running in the name of New Patna School, on 17.10.2023 at about 11:00 A.M., while the informant was going downstairs of her school, for drinking water, the teacher of the school namely, Pappu Kumar Sao (the petitioner), caught her, breast from behind and started molesting her and when she protested, the petitioner threatened her to kill and called her into his office, where she was further molested in aforesaid manner. The informant further alleged that when she came to her house, she narrated the whole story to her parents; thereafter, her father went to the petitioner, namely, Pappu Kumar Sao, who abused him by calling his caste name. The informant alleged that the petitioner, with the intention to kill, assaulted her father with an iron rod on his head, causing a head injury and fracture in his right hand; thereafter, anyhow, he saved his life.



4. On the basis of the aforesaid written statement of the informant, the aforesaid FIR has been instituted for the offences punishable under aforesaid sections of the IPC, POCSO Act as well as SC/ST (Prevention of Atrocities) Act. After the institution of the same, the Investigating Officer investigated the case and submitted the final form. Thereafter, learned trial court took cognizance against the petitioner vide order dated 14.03.2024 under Sections 341, 323, 506 of the IPC and Sections 8/12 of the POCSO Act and section 3(i)(r)(s)(w) of the SC/ST Act against petitioner.

5. Learned counsel appearing on behalf of the petitioner submitted that no occurrence, as alleged, has ever taken place; rather, the informant, who is aged about 16 years, entered into love affairs with one teacher of the school, namely, Santosh Kumar Choudhary, where petitioner being Principal of the said school, after knowing about the conduct of the informant and said teacher, removed both of them from the school, but at the request of the parents of the informant, she was allowed to study in the school. Learned counsel submitted that when the informant got information



that said teacher Santosh Kumar Choudhary was not allowed to enter into the school, being aggrieved with the same, she implicated this petitioner falsely with the present case.

6. Learned counsel further submitted that the allegation of assault and injury as alleged to caused upon the the father of the informant is completely baseless and without any supporting evidence, as there is no injury report.

7. Learned counsel pointed out that while rejecting the prayer of the petitioner, learned trial court failed to consider the material available on the record. Learned trial court has not considered the statement of teachers of the school and classmates of the informant, or electronic evidence, which was collected during the course of investigation etc.

8. Learned A.P.P., while arguing on behalf of the State, submitted that the Investigating Officer of the case has submitted the final form, whereafter, cognizance was taken against the petitioner. Learned A.P.P. submitted that informant/victim has supported her case in her statement recorded under Section 164 of the Cr.P.C.

9. Having heard learned counsel for the petitioner and



learned A.P.P. for the State and upon perusal of the record, it transpires that the informant/victim was 13 years old at the time of occurrence, where the petitioner was the principal of the school, where she was the student. It appears from perusal of the order of learned court below that the informant/victim has supported her case under section 164 Cr.P.C., where she stated that the petitioner suddenly caught her private part from behind, and when she objected, she was called by the petitioner in his official chamber, and again molested in same manner.

10. On the basis of aforesaid fact, it can not be said *prima facie* that allegation as raised against the petitioner is “groundless”. As per settled principle of law even grave suspicion is sufficient to frame charge. Submission as raised by learned counsel for the petitioner appears to be raised in defence of petitioner which can not be looked into at this stage, as veracity of same can be ascertained during the trial only.

11. In view of aforesaid, present petition appears devoid of any merit.



12. Hence, same stands dismissed at admission stage
itself.

13. Let a copy of this judgment be sent to the learned
trial court forthwith.

(Chandra Shekhar Jha, J)

Rajeev/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.07.2025
Transmission Date	07.07.2025

