

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71282 of 2025

Arising Out of PS. Case No.-167 Year-2017 Thana- BRAHMPUR District- Buxar

Ram Ganesh Yadav S/O Late Shiv Das Yadav R/O Vill.- Jawahi, P.O.-
Baluwa, P.S.- Brahmpur, Dist.- Buxar

... .. Petitioner/s

Versus

1. The State of Bihar Patna
2. Nishu Kumari S/O Shri Ashok Pandey R/O Vill.- Mishrawali, P.S.-
Brahmpur, Dist.- Buxar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Choubey

For the Opposite Party/s : Mr.Syed Ehteshamuddin

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 13-11-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Brahmpur P.S. Case No. 167 of 2017, POCSO Case No. 16 (A) of 2017 dated 26.05.2017 registered for the offences punishable under Sections 376/34 of the I.P.C. and Sections 6/9 (F)(G) of the POCSO Act, 2012

3. As per prosecution case, the victim went to the school to appear in her Geography Examination and an unknown boy told her that the Headmaster (petitioner) was calling her on the roof of the school building. Subsequently, the co-accused, Deepak Sahni joined and intercepted her by



covering her mouth. While they were going on the roof of the school building. On the roof of the school building, the petitioner alongwith the co-accused, Deepak Sahani raped her.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has been falsely been implicated in the present case. It is submitted that from perusal of the F.I.R., it appears that the victim had gone to school to attend the examination of Geography Subject and during the investigation, the Investigating Officer, has seized the copies of examination programme and admission form of the victim and from perusal of the same, it appears that the examination of all the subjects of the victim had already been finished before the alleged date and time of occurrence and there was no any examination of the victim on the alleged date and time of the occurrence which clearly falsifies the prosecution case. It is submitted that the petitioner is a Headmaster of the school and during the school hour their staffs and students are present in the school and ignoring all these things, leaving his office, the petitioner being the Headmaster of the said school has to go on the roof of the underconstructed building alongwith the students to do such type of act surfaced commonly with the students is very disbelievable. It is further submitted that the alleged



occurrence took place on 25.05.2017 in the morning and the F.I.R. was lodged on 26.05.2027 for which no explanation has been given by the prosecution and within five days, the statement of the victim under Section 164 Cr.P.C. has been recorded on 01.06.2017. It is further submitted that there are vast contradictions in the fardbeyan and the statement of the victim recorded under Section 164 Cr.P.C. It is further submitted that the co-accused Deepak Sahni was arrested and he confessed that there was love affair between him and the victim and he has given one mobile phone with SIM to the victim and who had also telephonic talk with Deepak Sahni daily. It is further submitted that the victim's sister has passed out Matric Examination but her scholarship worth Rs. 10,000/- was not given to her and it is further submitted that the victim had taken admission in 9th class in the year 2016 but her bicycle amount Rs. 2500/- was also not given to her. The petitioner has taken charge of the Headmaster since January, 2017. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody since 24.07.2025.

5. Learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner by submitting that the petitioner alongwith the co-accused, Deepak Sahani committed rape on the



victim on the roof of the school building. It is further stated that the victim in her examination-in-chief at para 8 of the deposition, has also stated that the petitioner (Headmaster) and the co-accused persons committed rape on her one by one. The victim in para 43 in her cross-examination in POCSO No. 16/2017 has stated that the petitioner (Headmaster) and the three accused persons committed rape on her one by one. The victim in her statement recorded u/s 164 of the Cr.P.C. has stated that the petitioner also committed rape on her.

6. Considering the aforesaid facts and circumstances of the case as well as the heinous nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail.

7. Accordingly, the application stands rejected.

(Chandra Prakash Singh, J)

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