

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79606 of 2024

Arising Out of PS. Case No.-465 Year-2024 Thana- MALSALAMI District- Patna

Praduman Kumar, Son of Mahesh Mahto @ Mahesh Prasad, Resident of
Mohalla- Chhoti Nagla, P.S.- Malsalami, District- Patna
... .. Petitioner

Versus

- 1. The State of Bihar
- 2. Anupama Devi, Wife of Ashish Kumar, Resident of Mohalla-Chhoti Nagla,
P.S.- Malsalami, District- Patna

... .. Opposite Parties

Appearance :

For the Petitioner : Mr. Ansul, Senior Advocate
Mr. Raj Krishna Jha, Advocate
For the State : Mr. Aditya Narayan Singh-1, APP
For the Informant : Mr. Arjun Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 22-01-2025 Heard learned senior counsel for the petitioner and

learned Additional Public Prosecutor for the State duly

assisted by learned counsel appearing for the informant.

2. The accused/petitioner seeks bail in connection

with Special Case No.279 of 2024 arising out of Malsalami

P.S. Case No.465 of 2024 registered for the offences

punishable under Section 75(2) of Bhartiya Nayaya Sanhita

(for short ‘B.N.S’), Sections 7 and 8 of the Protection of

Children from Sexual Offences Act (for short ‘POCSO Act’) of

the Indian Penal Code.

3. The accused/petitioner named in the FIR and is in



custody since 04.10.2024.

4. The allegation against the petitioner is to assault sexually to daughter of the informant aged about nine years, who was a student of class-III of the school, where petitioner was the Principal.

5. It is submitted by Mr. Ansul, learned senior counsel that the statement of victim as recorded under Section 183 of the Bhartiya Nagarik Suraksha Sanhita (for short 'B.N.S.S.') is completely contrary to that of her statement, which was recorded during her counselling by Child Welfare Committee. It is pointed out that due to corporeal punishment as not to complete school task, this absurd allegation was raised against the petitioner. It is pointed out that this fact appears supported through Annexure-P/II, which is the statement of victim recorded during the course of counseling before Child Welfare Committee. It is further submitted by learned senior counsel that informant herself refused to join medical examination. While concluding argument, it is submitted that investigation of this case is completed, for which, charge-



sheet has been submitted and, as such, there is no chance of tampering with evidence and moreover the petitioner is a man of clean antecedent and the reason for raising false implication now stands compromised between the parties, which was nothing but misunderstanding arising out of corporeal punishment of the victim.

6. While opposing prayer of bail, learned APP duly assisted by Mr. Arjun Prasad, learned counsel for the informant supported the factum of the compromise, which was the basis of present implication.

7. In view of aforesaid facts and circumstances and by taking note of fact as the statement of victim appears contradictory as recorded during her counselling *qua* her statement recorded under Section 183 of the B.N.S.S., coupled with the fact that investigation is already completed and, as such, there is no chances of tampering with evidence, accordingly, the petitioner, above-named, is directed to be released on bail furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge POCSO-cum-



Additional District and Sessions Judge-VII, Patna in connection with Special Case No.279 of 2024 POCSO arising out of Malsalami P.S. Case No.465 of 2024, subject to the conditions as laid down under Section 437(3) of the CrPC/under Section 480(3) of the B.N.S.S.

(Chandra Shekhar Jha, J.)

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