

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL REVISION No.761 of 2023

Arising Out of PS. Case No.-177 Year-2022 Thana- BEERPUR District- Begusarai

1. Anil Kumar, Son Of Sri Alakh Narayan Bhagat, R/O Mohalla - Lohiya Nagar Ward No. 28, P.S. - Lohiya Nagar O.P., Distt. - Begusarai
2. Amit Kumar @ Amit Kumar Singh, Son Of Sri Ram Pravesh Singh, R/O Vill - Dihpar, P.S. - Birpur, Dist. - Begusarai
3. Ram Kailash Pandit @ Ram Kailash Pinhit (Pandit), Son Of Late Ram Nandan Pandit, R/O Vill - Birpur, P.S. - Birpur, Distt. - Begusarai
4. Arun Kumar Roy, Son Of Late Gauri Shankar Roy, R/O Vill - Gandhi Nagar, Ward No. 31, P.S. - Nagar, Distt. - Begusarai
5. Kshama Kumari, Wife Of Ranjeet Singh, R/O Vill - Naula, P.S. - Bhagwanpur, Distt. - Begusarai
6. Lalitesh Kumar Lalit, Son Of Sri Raj Nandan Sharma, R/O Cheria, P.S. - Bhagwanpur, Distt. - Begusarai
7. Jyoti Rekha Kumari, Wife Of Amarjeet Kumar, R/O Vill - Dihpar, P.S. - Birpur, Distt. - Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Kumar Thakur, Sr. Advocate Mrs.Vaishnavi Singh, Advocate Mr.Ritwik Thakur, Advocate
For the Respondent/s	:	Mrs.Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

4 17-06-2025 1. The petitioners, in the instant criminal revision, are all teachers of Middle School, Muzafara Dih, Police Station- Birpur in the District of Begusarai.

2. On 14th of December, 2022, on the basis of a statement made by one Fulo Devi of Village - Mallah Dih, Birpur P.S. Case No. 177 of 2022 was registered under Sections 302 / 34 of the IPC read with Sections 4, 6 and 21 of the



POCSO Act. It was stated by the *de facto* complainant that on 12th of December, 2022, her daughter, aged about 13 years, went to Middle School, Muzafara Dih, at about 09:30 AM for her studies. After the usual time for the school to close, she did not return home. She conducted search in the school and one Amit Singh informed her that her minor daughter had left away to some unknown destination. Then she conducted frantic search with her family members and other villagers but did not find her out during the said night. On 13th of December, 2022, at about 09:30 A.M., when the school reopened, the *de facto* complainant, with other villagers, went to the school and enquired about her daughter from the Principal and other teachers of the said school who were arraigned as accused in the above-mentioned case, and, subsequently, they finally found from a ventilator of a room, which was closed outside under lock and key that the daughter of the informant was hanging from a ceiling fan with the help of her *dupatta*.

3. On the basis of the said complaint, Birpur P. S. Case No. 177 of 2022 was registered. Police took up the case for investigation. However, during investigation, it was not even *prima facie* proved that the victim was subjected to penetrative sexual assault or that the teachers of the said school were



involved in any way in ravaging the said girl. It was further revealed that the victim committed suicide as a result of some love affair with a third person, which the parents of the victim were not ready to accept.

4. After collecting scientific evidence in the form of FSL Report, Autopsy Report, suicide report, tallying the Suicide Report with the admitted handwriting of the victim by handwriting expert and examination of the witnesses, the police submitted report in final form stating that the allegation made by the *de facto* complainant could not be substantiated and it was a case of sheer suicide as a result of a love affair.

5. After submission of the final report, the *de facto* complainant was notified. The case record was produced before the learned Judge, Special Court under the POCSO Act, Begusarai and the learned Judge took cognizance of offence against the petitioners punishable under Sections 302 / 34 of the IPC read with Sections 4, 6 and 21 of the POCSO Act.

6. The learned Trial Judge came to take cognizance as aforesaid against the petitioners on perusal of materials in case diary narrated in Paragraph Nos. 3, 4, 6, 9 and 13. It appeared to the learned Special Judge that from the statement recorded in the said paragraphs, it was crystal clear that all the named



accused persons feigned to have traces of the victim / deceased, but victim / deceased was found inside a room hanging with ceiling in the said school. Here the named accused persons tried to conceal the fact of the death of the victim / deceased and they also mislead the family members of the victim / deceased

7. Can the above ground be construed as any of the ingredients of offence under Sections 302 / 34 of the IPC or Sections 4, 6, 21 of the POCSO Act? The answer would obviously be in the negative. After closure of a school, if a student conceals herself in one corner of her classroom or any portion of the school premises, it is not possible for the teachers and the guard to say whether the victim was staying inside the school.

8. The autopsy report clearly states that the victim died by committing suicide. There is no mark of injury on the body of the victim. There is also no mark of injury in her private parts. The FSL report disapproves any sexual assault upon the victim.

9. Therefore, failure on the part of the petitioners to state as to whether the victim was available in the school or not, cannot be said to be a ground to take cognizance of offence under Sections 302 and 34 of the IPC and Sections 4, 6, 21 of



the POCSO Act.

10. For the reasons stated above, the impugned order is bad in law, perverse and liable to be set aside.

11. Accordingly, order dated 3rd of November, 2023, passed by learned Exclusive Special Judge (POCSO) Act-cum-6th Additional Sessions Judge, Begusarai in POCSO Case No. 75 of 2023, arising out of Birpur P.S. Case No. 177 of 2022, is set aside.

12. Final report filed by the police in Birpur P.S. Case No. 177 of 2022 dated 14th of December, 2022 is accepted. The accused persons are discharged.

13. The instant Criminal Revision stands allowed with the aforesaid observation.

(Bibek Chaudhuri, J)

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