

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33362 of 2026

Arising Out of PS. Case No.-176 Year-2017 Thana- MANER District- Patna

Chandeshwar Prasad Singh @ Chandrashekhar Prasad Singh S/o Late Judagir Singh @ Judagi Singh R/o Village - Shikanya, PS - Paliganj, Distt. - Patna. at present Jaiprakah Nagar, Maner, PS - Maner , dist-Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. X D/o Y R/o Village - byapur, P.S. - Maner, Dist. - Patna through his father namely Vinod Chaudhary S/o Parmeshwar Chaudhary, R/o Village - Byapur, P.S. - Maner, Dist. - Patna.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gajanan Mishra, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE RITESH KUMAR
ORAL ORDER

4 24-07-2026 Heard the learned counsel for the petitioner and the learned A.P.P. appearing on behalf of the State.

2. The petitioner apprehends his arrest in connection with Maner P.S. Case No.176 of 2017, corresponding to Special (POCSO) Case No.61 of 2017 for allegedly having committed offences under Section 377 of the Indian Penal Code, Section 6 of the POCSO Act as well as Section 3(i)(r) of the SC/ST Act.

3. As per the prosecution story, which has been lodged on the basis of the written report submitted by the informant, to the effect that he was studying in St. Junior Competition School, Maner for about 1½ years. For the past 3-4 days, the Headmaster used to call him in his room for massage of his feet and used to commit unnatural act with him. Despite protest being made by the



victim, nothing was done and on 20.04.2017, when the mother of the victim came to the school to meet him, then he narrated the ordeal to his mother and thereafter the present First Information Report has been lodged.

4. The learned counsel for the petitioner submits that after investigation, the police submitted final form on 06.11.2017, however the learned Additional District & Sessions Judge-VIII-cum-Exclusive Special Court (POCSO) Act, Patna, while differing with the final form submitted by the Investigating Officer, took cognizance for offences under Section 377 of the Indian Penal Code and Section 6 of the POCSO Act on 27.02.2021. It is further submitted that the present First Information Report has been lodged due to an altercation, which took place in between the mother of the victim boy and the Headmaster of the school, with regard to payment of fee and later on the boy was removed from the record of the school by his parents. He further submits that since no case was made out and during investigation the witnesses did not support the case of the informant, therefore the Investigating Officer of the case submitted final form. Further, the petitioner has got a clean antecedent.

5. *Per contra*, the learned A.P.P. for the State opposes the prayer for grant of anticipatory bail to the petitioner and submits that the matter relates to unnatural act with a minor boy



and on the complaint made by the victim boy, the present First Information Report has been lodged.

6. Having considered the rival submissions and after going through the records as well as the case diary, it appears that the petitioner used to commit unnatural act with the victim boy and upon his complaint, the First Information Report was lodged. The police submitted final form against the petitioner, however the learned Additional District & Sessions Judge-Exclusive Special Court (POCSO) Act, Patna, while differing with the final form submitted by the police, took cognizance for an offence under Section 377 of the Indian Penal Code and Section 6 of the POCSO Act. During course of investigation, the witnesses have supported the case of the prosecution and the victim boy in his statement recorded under Section 164 Cr.P.C. has supported the case of the prosecution.

7. Taking into consideration the allegations levelled against the petitioner, this Court is not inclined to grant the privilege of anticipatory bail to the petitioner. Accordingly, the prayer for grant of anticipatory bail to the petitioner is rejected.

(Ritesh Kumar, J.)

Sanjay/-

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