

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14 of 2021**

Arising Out of PS. Case No.-37 Year-2020 Thana- AMNAUR District- Saran

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Guddu Kumar Tiwari Son of Sri Lal Bihari Tiwari Resident of Village-
Bishunpur, Police Station-Amnour, District-Saran At Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate
	:	Mr. Ram Binod Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Bhushan, APP

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-10-2021 Heard Shri Bindhyachal Singh, learned senior counsel

assisted by Shri Ram Binod Singh, learned counsel for the

petitioner and Shri Bharat Bhushan, learned A.P.P. for the State.

The petitioner is seeking anticipatory bail in
connection with Amnour P.S. Case No. 37 of 2020 instituted for
the offences under Sections 341, 323, 353, 354, 379, 504, 506
and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner, at the outset,
submits that the petitioner is a person with clean antecedent. It is
further submitted that from bare perusal of the allegation as
alleged in the F.I.R. it would manifest that informant, the In-
charge Headmistress of Utkramit Middle School, Bishunpur,
Piprahi, District-Saran had alleged that on 03.02.2020 at around
11 am while the informant was working in the school, the



petitioner came and stated that as to why she used to lock the gate after closing of the school. Thereafter he started abusing her and tried to snatch the register and misbehaved with her. It is further alleged that the petitioner snatched her gold chain, pushed her down and was trying to do obscence act with her. In the meantime, teacher of the school came there and pacified the matter. Further two-three unknown persons were also with the petitioner.

Learned senior counsel for the petitioner submits that from perusal of the allegations as alleged in the F.I.R it would manifest that *prime facie* allegations seems to be concocted for the reason that though the informant alleges that the petitioner was trying to outrage her modesty and it was because of intervention of the teachers and another staff of the school that she was saved but the F.I.R. is completely silent with respect to the name of the teacher or the persons who came when the act was being committed.

The learned senior counsel further submits that the cousin of the petitioner is studying in the said school and since the teacher were not teaching and were irregular in taking the classes as such the petitioner had made complaints against them to several villagers and before the selection unit and this has been pleaded in paragraph '7' of the anticipatory bail application and it



was only when the informant came to know about the complaint being made against her and other teachers that the petitioner came to be falsely implicated in the present case. The learned senior counsel further submits that from bare perusal of the F.I.R. it would manifest that the occurrence is of 03.02.2020 and the FIR has been instituted on 14.02.2020 i.e. after a delay of more than 10 days.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioner but was not able to contend the contention of the petitioner with respect to the delay in lodging of the F.I.R.

Considering the facts and circumstances of the case in it's totality, the petitioner above-named, in the event of his arrest or surrender before the learned Court below within a period of ten weeks, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Saran at Chhapra in connection with Amnour P.S. Case No. 37 of 2020 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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