

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30725 of 2015

Arising Out of PS.Case No. -193 Year- 2015 Thana -BODHGAYA District- GAYA

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Dr. Phra Sirichai Thummachart @ Phra Sirichai Thummachart @ P. Sirichai T., son of Ravi Thummachart, R/o village- Raja Devi Road, Bangkok (Thailand) at present residing at Buddha Sikhalaya, Vilalge-Rampur, P.S.- Bodh Gaya, District- Gaya

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bela Singh

For the Opposite Party/s : Mr. Anuj Kr.Srivastava (App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA
ORAL ORDER

3 05-10-2015 Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner seeks bail in connection with Bodh Gaya P.S. Case No. 193 of 2015 registered for the offence punishable under Section 377 of the Indian Penal Code and Sections 3(A) of POCSO Act.

Allegedly, the petitioner committed unnatural offence by penetrating his penis in the anus of the minor victim boy who was living in the Monestry of the petitioner for the purpose of study, thereafter, the victim informed telephonically to his mother and her mother came, informed the Police.

Submission is of false implication due to local village politics, the petitioner is the citizen of Thailand and is a Buddhist



Monk and has devoted his entire life in proliferation of Teachings of Lord Buddha and serving the humanity by providing education with free boarding and lodging to poor children. The victim was an indisciplined child and he was being given more attention and to get rid he narrated a false story. The medical evidence does not support the allegation and further during investigation the witnesses have also not supported the allegation. The victim in his statement recorded under Section 164 Cr.P.C. in paragraph 11 has stated that after the occurrence he came in his room and narrated about the occurrence to his room-met Shibu but Shibu @ Shibu Chaudhary examined in paragraph 33 of the case diary has stated that in the night the victim Aman Raj has not stated anything to him regarding the occurrence but when his family members came at about 4:00 pm, then after talking with them alarm was raised and it was stated that unnatural offence was committed by Guruji. Chargesheet has already been submitted and there is no chance of absconding or tampering with the prosecution evidence and the petitioner is suffering in custody since 11.06.2015.

Learned APP opposes the prayer for bail but fairly submits that medical evidence does not support the allegation and the witnesses have stated that the victim has not stated anything regarding the occurrence in the night.

In the facts and circumstances, the petitioner above named is directed to be released on bail on execution of bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, POCSO-cum-A.D.J. Ist, Gaya in connection with Bodh Gaya P.S. Case No. 193 of 2015 with condition that he will surrender his passport before the learned court below and he will not leave India till the disposal of the case.

(Jitendra Mohan Sharma, J)

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