

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30755 of 2015

Arising Out of PS.Case No. -42 Year- 2014 Thana -KIHIRI MORE District- PATNA

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1. Sudama Sharma Son of Jugal Sharma Resident of village - Chawi, P.S. Khiri More, District – Patna			Petitioner/s
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Versus

1. The State of Bihar			Opposite Party/s
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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Sharma

For the Opposite Party/s : Mr. Parmeshwar Mehta(App)

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CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN SHARMA

ORAL ORDER

3 02-11-2015 Supplementary affidavit has been filed today, which is taken on record.

Heard learned counsel for the petitioner and learned A.P.P. representing the State.

Petitioner seeks bail in connection with Khiri More P.S. Case No. 42 of 2014 registered for the offences punishable under Sections 354 and 509 of the Indian Penal Code and Section 08, 10 and 12 of the Protection of Children from Sexual Offences Act, 2012. However after investigation charge-sheet has been submitted under Section 376(C) of the IPC and Section 6 of the POCSO Act.

Allegedly the petitioner being teacher, started misbehaving and assaulting sexually the daughter of the informant aged 8 years who was a student of class-I at Saraswati Shishu

Vidya Mandir, a private school.

Submission is of false implication and that no offence under Section 376 IPC is made out, chargesheet has been submitted, resulting the petitioner who is married person, having 3 sons from the wedlock out of which two sons in Defence Service, rotting in custody since 13.03.2015, having no criminal antecedent to which the learned A.P.P. opposes by submitting that the statement of the victim has been recorded under Section 164 Cr.P.C. and chargesheet has been submitted under Section 376 (C) IPC.

In the facts and circumstances stated above, considering the seriousness of the offence, this Court is not inclined to release the petitioner on bail and accordingly, such prayer stands rejected.

However the trial court is directed to expedite the trial and conclude the same as per amended proviso of Section 309 Cr.P.C.

(Jitendra Mohan Sharma, J)

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