

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51287 of 2018

Arising Out of PS. Case No.-149 Year-2018 Thana- AGAMKUAN District- Patna

Munna Sharma, S/o Late Bhagwat Sharma, R/v- Atwarpur, Pakri, P.S.-
Lalganj, Distt- Vaishali at present resident at Village- L.I.G. Sector-3, Block-
4, Quarter No.- 266, Bhutnath Road, P.S.- Agamkuan, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar Sinha

For the Opposite Party/s : Mr. Sri Ramchandra Sahani

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 06-12-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Special (POCSO) P.S.
Case No. 35/2018, Agamkuam P. S. case no. 149 of 2018
instituted for the offence under Section(s) 376 of the Indian
Penal Code and Section 6 of the POCSO Act, 2012.

In the written report, it is alleged that petitioner who
is father of the informant, has forcibly established physical
relationship with the informant after confining her in a room on
giving threat that he will not provide her cloths and also not
permit her to appear in the Board examination. The informant
cried and told about the incident to her mother. The informant
has further alleged that this petitioner used to do similar act



with her elder sister also. The mother of the informant confined this petitioner in a room and informed the police and got him arrested.

Case diary has been received. The statement of mother of the victim girl, her sister and brother have been recorded, wherein, all of them have supported the case levelling specific allegation of committing such act with the informant by the petitioner. The victim girl has been given her statement U/s 164 Cr.P.C., which is available at paragraph no. 25 of the case diary, wherein, she has levelled specific allegation against this petitioner of forcibly establishing physical relationship with her.

Learned counsel for the petitioner has submitted that no medical examination of the victim girl has been done. But, in the written report it is alleged that this petitioner used to do such act with the victim girl for the last one year on giving threat and he was also doing such act with her elder sister also and all such acts have also been supported by mother, sister and brother of the victim girl.

This Court is of the view that this is a very serious crime committed by this petitioner with his own daughter.

Therefore, this Court is not inclined to grant bail to



the petitioner at this stage. The prayer for bail of the petitioner stands rejected.

Learned counsel for the petitioner has submitted that charge has already been framed in this case on 21.6.2018.

Trial Court is directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt of copy of this order by giving short adjournments.

Petitioner may renew his prayer for bail after nine months in the event trial is not concluded within aforesaid period.

(Sanjay Priya, J)

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