

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25880 of 2018

Arising Out of PS. Case No.-6 Year-2018 Thana- BARGANIA District- Sitamarhi

Binay Kumar Bharti S/o Shri Om Prakash Singh, R/o Shekhauna, P.S.-
Bairgania, District- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Advocate
	:	Mr. Ashok Kumar Jha, Advocate
	:	Mr. Preety Kunwar, Advocate
For the Opposite Party/s	:	Smt. Rita Verma, (APP126)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 16-08-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner, who is in custody, seeks bail in connection with Bairgania P.S. Case No. 06 of 2018 registered for the offence punishable under Sections 341, 323, 377, 467, 468, 120B/34 and Section 4/8 of the POCSO Act.

Informant is the mother of victim boy who in her written complaint addressed to Officer-in-charge of Bairgania police station has stated that her son Subham Kumar aged about 14 years was student of Shivjee J.M.D. School from last five years and when on 25.01.2018 his son came back from the school he was crying and said that petitioner who is the Director of the School used to commit unnatural offence with him. The victim further stated to her that since last three years



he was being subjected to sodomy and was also threatened and abused and assaulted by the petitioner. He had complained about this act of petitioner to his family members but they did not take any steps and threatened petitioner of dire consequence. On the basis of such written complaint FIR was registered on 25.01.2018. FIR was registered on written complaint and bears signature of informant but who has drafted written complaint or name of witnesses has not been given in FIR. It has been further alleged in the FIR that he took her son to doctor on 19.01.2018 and doctor told her that his son has developed piles because of sodomy but no such ailment was found by the medical Board. Statement of the victim boy was also recorded on 27.01.2018 by the Magistrate under Section 164 of Cr.P.C. who supported the prosecution version and was subjected to sodomy from last five years. The victim boy was also subjected to medical Board Examination and three members Medical Board was constituted and he was medically examined on 29.01.2018 by three doctors who did not found any type of injury or blood in rectum canal and it has been opined by the doctor's team that it was very difficult to say whether Subham Kumar was victim of sodomy or not. The



age of the victim has been assessed between 14 to 15 years.

It has been submitted on behalf of the petitioner that he is innocent and has been falsely implicated in this case as the student had not paid school fee for last six months and warning was given to parents of victim that if he will not deposit fee of last six months, his name will be struck off from the school. It has been further submitted that petitioner has clean antecedent and the school is well reputed school of locality and more than 100 students resides in hostel and no complaint from anyone has been made against the petitioner. It has been further submitted that charge-sheet has already been submitted and he is in custody since 23.02.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, POCSO Act, Sitamarhi, in connection with Baigania P.S. Case No. 06 of 2018.

(S. Kumar, J)

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