

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35631 of 2020**

Arising Out of PS. Case No.-98 Year-2019 Thana- HASPURA District- Aurangabad

Surendra Singh @ Surrendra Singh, aged about 66 years, (in FIR age wrongly given as 55 years), Male, son of late Ramjanam Singh, resident of Village-
Purhara, P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yugal Kishore. Advocate
For the State	:	Mr. Shantanu Kumar, APP
For the Informant	:	Mr. Parwej Khan, Advocate

**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 07-04-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Yugal Kishore, learned counsel for the petitioner; Mr. Shantanu Kumar, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State and Mr. Parwej Khan, learned counsel for the informant.

3. The petitioner is in custody in connection with Haspura PS Case No. 98 of 2019 dated 01.08.2019, instituted under Sections 341, 323, 504, 354-B, 506/34 of the Indian Penal Code and 8 of the Protection of Children from Sexual Offences Act, 2012 (hereinafter referred to as the 'POCSO Act').

4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by order dated 06.01.2020 in



Cr. Misc. No. 80135 of 2019.

5. The allegation against the petitioner is of outraging the modesty of the niece of the informant, who went to attend the tuition class at the house of the petitioner.

6. Learned counsel for the petitioner submitted that his house is just 2-3 houses away from that of the informant and he is an old man aged about 66 years. It was submitted that the matter has been compromised between the parties. Learned counsel submitted that the informant in her deposition has stated that it was the villagers, who had made her file the case as also denied the occurrence. Learned counsel submitted that the petitioner is in custody since 14.11.2019.

7. Learned APP submitted that the petitioner as a teacher has committed such act. It was submitted that the girl, who is aged about 11 years, has recorded the statement before the Court under Section 164 of the Code of Criminal Procedure, 1973, in which she has supported the prosecution case. It was submitted that there was no occasion for the girl to have stated such falsity before the Court.

8. Learned counsel for the informant submitted that he has filed counter affidavit in which statement of the victim girl has been brought on record in which she has fully supported



the prosecution case. It was submitted that the daughter of the petitioner has lodged a false complaint case on 17.08.2019 against the informant and her family members under Section 147, 148, 323, 376, 511, 354-A of the Indian Penal Code and 8 and 17 of the POCSO Act after 17 days, though alleging that the incident occurred on 30.07.2019, which is the date of lodging of the present FIR.

9. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

10. Accordingly, the application stands dismissed.

11. However, in view of trial having started and witnesses also examined, the Court below is directed to expedite the trial and conclude the same at the earliest, preferably, within six months from today.

(Ahsanuddin Amanullah, J)

J. Alam/-

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