

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25280 of 2024

Arising Out of PS. Case No.-880 Year-2023 Thana- MOHANIYA District- Kaimur (Bhabua)

Suraj Dom, age about 22 years, Son of Purnwasi Dom @ Puranvasi Ram,
Resident of Village- Bajej, P.O.- Beladi, P.S.- Mohania, District- Kaimur at
Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 09-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Mohania PS Case No. 880 of 2023 instituted for the offences
punishable under Sections 341,342,354(A),354(B)324 and
120(B) of the Indian Penal Code and 8 of the POCSO Act

3. As per the prosecution case, the informant's
daughter/victim along with her brother and sister had gone to
her school. Suraj Dom (Petitioner), who is sweeper in the
school, molested the victim girl, bitten over her cheek and also
tried to commit wrong with her finding her alone in the
classroom. On raising alarm, accused-petitioner Suraj Dom fled
away from the place of occurrence. It is further alleged that with



the help of co-accused Santosh Kumar Singh, the petitioner has managed to flee away from the place of occurrence.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics. It is further submitted that the petitioner has got no criminal antecedent and no such occurrence as alleged had taken place. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 04.01.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR and the impugned order of the learned Special Judge, POCSO Act-cum-ADJ-VI, Kaimur at Bhabua dated 04.03.2024, it appears that there is specific allegations against the petitioner that he molested the victim girl, bitten over her cheek and also tried to commit wrong with her. The father and mother of the victim and the victim herself in her statement recorded under Section 161 of the Code of Criminal Procedure has supported the allegations and stated that accused petitioner grabbed the breast of the victim. Further, the victim girl in her statement recorded under Section 164 of the Code of Criminal Procedure has also corroborated the allegations levelled against the petitioner that he grabbed her



breast when she was along in the classroom. The age of the victim was below 18 years at the time of occurrence. Chargesheet has also been submitted in this case.

7. Considering the seriousness and gravity of offences as well as direct allegation against the petitioner, I am not inclined to grant bail to the petitioner.

8. Prayer for regular bail of the petitioner is hereby rejected.

9. Learned trial Court is directed to conclude the trial preferable within a period of six months from the date of receipt of this order. If the trial is not concluded within the stipulated period, the petitioner shall be at liberty to renew his prayer for bail before the trial Court.

(Ramesh Chand Malviya, J)

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