

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49788 of 2022

Arising Out of PS. Case No.-162 Year-2022 Thana- SURYAGARHA District- Lakhisarai

Hareram Kumar S/O Goverdhan Yadav Resident of Village- Khemtarni
Asthan, P.S.- Suryagarha, District- Lakhisarai. Principal of Awash Baidhnath
Public School Khemtarni Asthan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Prakash Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

17 13-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in connection with
Surajgarha P.S. Case No. 162 of 2022 instituted for the
offences under Section 377 of the Indian Penal Code and
Section 4/6 of the POCSO Act.

3. As per prosecution case, the minor son of the
Informant was studying in the school which was run by
Hareram Kumar/the petitioner. It has been alleged that the
petitioner used to do illicit act with him as also for the last
four years in the night, he was in habit of doing unnatural
sex with the minor victim.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. He further submits that the occurrence was noticed to the Informant on 15.05.2022 but, the case has been lodged on 21.05.2022 without there being any explanation for such delay in lodging the present case. He again points out that the doctor has examined the victim boy but, he has not found any injury upon him. He further submits that statement of the victim boy under Section 164 Cr.P.C. and the written application of the Informant and contradictory to each other. The petitioner has one criminal antecedent being SC/ST P.S. Case No. 19 of 2022 but, the same was instituted after the lodging of the present case as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 22.05.2022.

5. Learned counsel for the petitioner has also filed consolidated supplementary affidavit bringing on record the copy of the charge-sheet along with depositions of P.W. 1 &



2 stating that both the witnesses have turned hostile.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that the allegation made against the petitioner is serious and thus, the petitioner does not deserve bail.

7. Pursuant to the order passed by a Co-ordinate Bench of this Court dated 06.02.2024, the court below has sent its report along with explanation which is kept at Flag-C. From perusing of the same, it appears that the last prosecution witness was examined on 26.07.2023 and the summons has also been issued against the I.O. and Medical Officer of the case and, at present, the case record is fixed for evidence on dated 28.02.2024.

8. After perusing the entire case records along with statements made under Section 161 Cr.P.C. as well as 164 Cr.P.C. as also on perusing the report sent by the court below, this Court is not inclined to grant bail to the petitioner, for the present, also keeping in mind that the accusation made against the petitioner is serious in nature.

9. Accordingly, the prayer for bail of the petitioner,



above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously preferably within a period of six months from today.

10. If the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on its merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

rishi/-

U		T	
---	--	---	--

