

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74314 of 2025**

Arising Out of PS. Case No.-199 Year-2024 Thana- HARNAUT District- Nalanda

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1. Fr. Asit Lakra @ Asit Lakra S/o- Late John Lakra Resident of Loyola School Harnaut PS- Harnaut District- Nalanda
  2. Fr. Jose Chirakal Thomas @ Jose Chirakal Thomas @ Jose Chirakal S/o- Late Paily Thomas Resident of Loyola School Harnaut PS- Harnaut District- Nalanda

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ranjit Kumar S/o- Doman Das R/v- Ambedkar Nagar, Harnaut Ps- Harnaut Dist- Nalanda

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Rajesh Kumar Divakar  
For the Opposite Party/s : Mr.Madhura Nand Jha

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**CORAM: HONOURABLE MR. JUSTICE PRAVEEN KUMAR**  
**ORAL ORDER**

2      09-07-2026                      Heard learned counsel for the petitioners and learned  
counsel for the State.

2. The petitioners have filed the present application for quashing the order dated 29.07.2025 passed by the learned Additional Session Judge-IV-cum-Special Judge, POCSO, Biharsharif, in connection with Harnaut P.S. Case No. 199 of 2024 whereby the learned court below has rejected the discharge petition of the petitioners filed under Section 227 of the Cr.P.C.

3. As per the allegation, the minor son of the informant aged about 6 years studied in class 2 of Saint Loyola School, Hanaut. It is further alleged that one Rocky Kumar aged



about 14 years and Ajit Kumar aged about 11 years who were the students of the said school committed unnatural sex with the victim on 28.04.2024 at about 10:00 PM in the hostel room of the said school. It is further alleged that when the minor son of the informant gave information to his father, the informant communicated the alleged occurrence to Father of Saint Loyola School, Jose Chirakal Thomas @ Jose Chirakal and Principal Asit Lakra, then they misbehaved rudely with him and started telling him to hide the incident and they also talked about expelling the child from the school and said to do whatever he wished. Later on, the minor son was expelled from the school.

4. Learned counsel for the petitioners has submitted that the injury report does not support the prosecution case against the petitioners and the father of the victim who happens to be the informant is a night guard in the same school. It has further been submitted that the charge-sheet has been submitted in a perfunctory manner and the Special Court has taken cognizance against the petitioners in a mechanical manner without applying judicial mind.

5. Learned counsel for the State has opposed the prayer of the petitioners.

6. The FIR has been registered for the offences



punishable under Section 342, 377, 504, 506 and 34 of the Indian Penal Code and Section 6 of the POCSO Act after completion of investigation and finding the case true against the petitioners, charge-sheet also came to be filed under aforesaid Sections.

7. Upon such submission of charge-sheet, the learned Special Court took cognizance against the petitioners, consequent thereupon the application for discharge was filed which was rejected against the petitioners as well as two minor child in conflict with law and there are sufficient grounds for proceeding against the petitioners and to frame charges against them.

8. In view of such, this Court is not inclined to interfere in the matter, the application is devoid of merits and is accordingly dismissed.

**(Praveen Kumar, J)**

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