

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1775 of 2020

Arising Out of PS. Case No.-47 Year-2019 Thana- MAHILA PS District- Katihar

Gopal Kumar Sahni @ Gopal Sahni S/o Late Mahinder Sahni Resident of
Mohalla-Sukhasan, P.S.-Barari, District-Katihar.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Priya Ranjan, Adv.

For the Respondent/s : A.G

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 18-01-2021 Heard learned counsel for the appellant and learned
Spl.P.P. for the State.

The instant appeal has been preferred against the order dated 21.12.2019 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Katihar whereby the prayer for bail of the appellant in connection with Mahila P.S. Case No. 47 of 2019 (G.R. No.3907 of 2019) registered under sections 376, 504, 506 and 34 of the Indian Penal Code, section 4 of the POCSO Act and section 3(2)(v) of the SC/ST (Prevention of Atrocities) Act was rejected.

As per allegation in the F.I.R., the appellant is alleged to have established physical relations and of having raped the daughter of the informant.

It is submitted by the learned counsel for the appellant that he has been falsely implicated in the case and the allegations as levelled in the F.I.R. are false and concocted. The



appellant and the daughter of the informant who is 19 years old have solemnized their marriage on 9.9.2019. The appellant is in custody since 26.9.2019.

The appeal is opposed by learned Spl.P.P. for the State.

A report had been called for from the Superintendent of Police, Katihar which confirms about marriage of the appellant and the daughter of the informant on 15.9.2019.

Having heard learned counsel for the parties and in the facts and circumstances of the case, the Court is inclined to allow the appeal. The appeal is allowed and the order dated order dated 21.12.2019 passed by the learned Additional Sessions Judge-I-cum-Special Judge, Katihar, is set aside.

The appellant is directed to be enlarged on bail in connection with Mahila P.S. Case No. 47 of 2019 (G.R. No.3907 of 2019) on furnishing bail bond of Rs. 10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-I-cum-Special Judge, Katihar.

(Partha Sarthy, J)

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