

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40486 of 2020

Arising Out of PS. Case No.-170 Year-2020 Thana- DELHA District- Gaya

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GOPAL PRASAD aged about 60 years S/o Late Mathura Sah R/o Mohalla-
Station Road, P.S.- Kotwali, District- Gaya ... Petitioner

Versus

The State of Bihar ... Opposite Party

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Appearance :

For the Petitioner : Mr. Gajendra Kumar Singh, Advocate
Mr. Manish Kr. No.2, Advocate
For the Opposite Party : Mr. Sanjay Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 09-02-2021 Heard learned counsel for the petitioner and the State.

The petitioner seeks regular bail in a case registered for the offence punishable under sections 376/34 of the Indian Penal Code and sections 4, 8 and 12 of the POCSO Act.

As per the prosecution case, the victim was taken by co-accused Mohan Mishra @ Baba on the pretext of purchasing cloths and later on he took her to Krishna Hotel and committed rape. It is alleged that this petitioner, who is owner of the said Hotel, scuffled with the victim and her father and did not give help to the victim on her raising alarm.

Learned counsel for the petitioner submits that the allegation of sexual assault is against co-accused Mohan Mishra and the petitioner has been made accused in this case only because he is the owner of the said Hotel and there is no allegation of committing any sexual assault or harassment against the petitioner. Petitioner has got no criminal antecedent as stated in paragraph 3 of the bail petition. Charge sheet has already been submitted. Petitioner is in custody since 1.8.2020.



Considering the nature of allegation, prayer for bail of the petitioner is allowed. Let the petitioner, mentioned above, be enlarged on bail on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I cum Special Judge POCSO Act, Gaya in POCSO Case NO. 87 of 2020/ Delha Police Station Case No. 170 of 2020 on the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(Prabhat Kumar Singh, J)

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