

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2564 of 2023

Arising Out of PS. Case No.-43 Year-2022 Thana- MAHILA PS District- East Champaran

GOPAL SAH @ GOPAL SAH (GOAND) S/o Late Jokhu Sah R/o Village-
Lodihar, Ward No. 13, P.S.- Sugauli, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Tiwari

For the Opposite Party/s : Mr. Madhura Nand Jha

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 21-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in connection with
Mahila P.S. Case No. 43 of 2022 instituted for the offence under
Sections 376(A), 376(AB) of the Indian Penal Code and Section
4 & 6 of the POCSO Act.

As per allegation in the FIR, the accused petitioner
has been alleged to have committed rape with the victim
daughter of the informant, aged about 5 years.

Learned counsel for the petitioner submits that the
petitioner is innocent and committed no offence. The petitioner
has falsely been implicated in the present case due to dirty
village politics. A statement has been made in para-3 of the
petition that the petitioner has got no criminal antecedent. The



petitioner is old age person and languishing in judicial custody since 4.7.2022.

Learned APP appearing for the state has opposed the prayer of regular bail and submitted that from perusal of case diary, it appears that the victim daughter is minor, aged about 5 years and there direct allegation against the petitioner has been made of committing rape with the daughter of the informant. During investigation, witness also supported the prosecution versions.

Having heard the learned counsel for the parties and considering the nature of allegation, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

The trial Court is directed to expedite the trial and conclude the same as soon as possible.

(Sunil Kumar Panwar, J)

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