

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62668 of 2023

Arising Out of PS. Case No.-217 Year-2023 Thana- BAIKUNTHPUR District- Gopalganj

Rahul Gupta @ Rahul Kumar Sah Son Of Late Sri Kishun Sah Village-
Khagni, Ps- Goreyakothi, Dist- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Saurabh Kumar

For the Opposite Party/s : Mr.Renu Kumari

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 29-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in a case registered for the offence punishable under Section 377 of the Indian Penal Code and Section 4/6 of the POCSO Act.

3. Allegation against the petitioner is that he committed unnatural offence with the informant's son (victim boy) aged about 13 years in hostel campus of the school in which the petitioner allegedly works as a teacher.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. He is a private teacher of Unique Mission School and



does not live in hostel. On the date of occurrence i.e. on 19.06.2023 schools of Gopalganj District was closed as per order of District Magistrate. It is further submitted in para 9 of the petition that the victim boy has stolen Rs. 50,000/-, gold ring and chain from the Dickky of petitioner and after that petitioner several times complained to mother and father of the victim boy for returning the same but instead of returning they filed this false case against him. Medical report does not support the prosecution case in which doctor opined that no evidence of any unnatural sexual assault was found on the person. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 22.06.2023.

5. The application for bail is opposed by learned APP for the State.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned VIth Additional



Sessions Judge-cum-Special Judge, POCSO, Gopalganj in
connection with Baikunthpur P.S. Case No.217 of 2023.

(Sunil Kumar Panwar, J)

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