

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61662 of 2025

Arising Out of PS. Case No.-296 Year-2023 Thana- GOPALPUR District- Gopalganj

Gulshan Goshwami @ Gulshan Goswami S/O Munna Goshwami @ Munna Goswami R/O Village- Hata Tola, Gopalpur, P.S.- Gopalpur, District- Gopalganj

... .. Petitioner/s

Versus

1. The State of Bihar
2. Ms. X D/O MR. Y R/O Village- Hata Tola, Gopalpur, P.S.- Gopalpur, District- Gopalganj

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lokesh Kumar Singh, Adv.

For the Opposite Party/s : Mr. Navin Kr. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-11-2025 Heard the parties.

2. The petitioner seeks bail in connection with Gopalpur P.S. Case No. 296 of 2023 registered for the offence under Sections 447, 448, 341, 323, 324, 380, 376, 511 of the I.P.C. and Section 8 of POCSO Act.

3. The petitioner is named in the F.I.R. and is in custody since 07.06.2025.

4. The allegation against the petitioner is to make an attempt to commit rape upon the minor daughter of informant aged about sixteen and a half years and also to assault family members and taken away cash of Rs. 50,000/- and to snatch the jewelry adorned by female members of the family during the



occurrence.

5. Learned counsel appearing on behalf of the petitioner submitted that prior to this occurrence a criminal case was filed against informant side by petitioner which was registered as Complaint Case No. 2761 of 2023 before learned CJM, Gopalganj on 14.12.2023 and to counter the aforesaid case the present false case was lodged. It is submitted that had an intention to commit rape upon the minor daughter of the informant, no physical assault was to be caused to her as apparent from her medical report where she received four simple injury on her body part, alleged to be caused by hard blunt substance. Learned counsel submitted that doctor upon medical examination categorically suggested that it is not a case of sexual assault. It is also submitted that implicating other family members and also implicating for theft appears in very ornamental manner just to aggravate the allegation. While concluding the argument, it is submitted that petitioner found involved in three more criminal cases where he is on bail and moreover, investigation of this case is completed, for which charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



6. Learned APP opposes the prayer of bail.

7. In view of aforesaid factual submission and by taking note of overall accusation of this case, where entire family members including this petitioner implicated in the background of previous enmities where medical report also creates doubt *qua* occurrence, coupled with fact that investigation of this case is already completed, where petitioner remains in custody since 07.06.2024, accordingly petitioner above named, is directed to be released on bail in connection with Gopalpur P.S. Case No. 296 of 2023 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Addl. Sessions Judge VI cum Special Judge, POCSO Gopalganj /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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