

IN THE COURT OF THE DISTRICT AND ADDITIONAL SESSIONS JUDGE-  
1<sup>st</sup>-CUM-SPECIAL JUDGE (SC/ST, CHILDREN & NDPS ACT)  
AURANGABAD (BIHAR)

Present: Vishwa Vibhuti Gupta, District & Additional Sessions Judge-1st-cum- Special Judge (SC/ST, CHILDREN & NDPS ACT), Aurangabad, Bihar.

REGULAR BAIL APPLICATION NO. 600 OF 2026

BARUN PS CASE NO: 07/2012

Raj Kumar Gupta, aged about 41 years, S/o-Late Kamla Prasad, R/o village-& PO-Jogiya, PS-Barun District-Aurangabad(Bihar)

....Petitioner

Versus

State of Bihar

....Prosecution

Appearance:

Learned Counsel for the accused-petitioner  
Learned Counsel for the State

Shri Birendra Kumar  
Shri Ram Naresh Prasad

Order with signature of the Court

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| <p><b><u>Dated</u></b><br/><b><u>08.06.2026</u></b></p> | <p>A regular bail petition has been filed on behalf of the accused-petitioner namely <b>Raj Kumar Gupta</b>, who is in judicial custody Since 24.04.2026 in connection with Barun PS Case No. 07/2012 under Sections 14(1) of the Child Protection Act, 1986. The case diary was called for an the same is available on the record. After furnishing the copy of the bail petition to the Ld. APP for the State, this bail petition pressed today.</p> <p>The learned counsel for the accused/petitioner reading out the contents of the F.I.R., submitted that the accused/petitioner is innocent and have committed no offence and no any bail petition has been filed on behalf of the petitioner before any Court of law except the instant one. He submitted that the petitioner is not owner of the said hotel. There is nothing available on the record regarding the ownership of hotel. There is also not available on record regarding the age proof of Child labour. He further submitted that the petitioner's home is nearest to that said hotel where he used to come always due to which he has falsely been implicated in this case. The petitioner is too poor and he is unable to pay fine. The petitioner is only one male member of his family for surviving livelihood. The petitioner has no criminal history. There is no chance of his absconding or tampering with the evidence. The petitioner is ready to furnish bail bond to the satisfaction of the court. The petitioner has been languishing in judicial custody since 24.04.2026. Hence, he prayed to enlarge the privileges of bail to the accused-petitioner.</p> <p>Per-contra, the Ld. APP for the State has opposed the bail application of the accused-petitioner and stated that the allegation is serious in nature.</p> <p>Heard both the parties and perused the case record as well as other materials available on the record.. Of course, on perusal of the case record it appears that the present petitioner is named in the FIR. The thrust of allegation against the present petitioner is that the petitioner is owner of Bhojpur Balia Gamipur Line Hotel and is accused of making Ramu Rikiyasan and Kamlesh Rikiyasan, aged 10 years, work in the said hotel. But on perusal of case record, no any document has been produced by the</p> |
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| <u>Cont....</u><br><u>08.06.2026</u> | <p>police regarding the owner of the alleged hotel. On perusal of the record, it transpires that there is no specific allegation of child labour is made out against the petitioner. It is a settled principle of law that " <i>bail is the rule and imprisonment is the exception.</i>" and a person cannot be deprived of personal liberty only through a legally established procedure. The petitioner has been languishing in judicial custody since 24.04.2026. The accused-petitioner bears no prior criminal history and the Ld. Spl. PP has also conceded this fact.</p> <p>Considering the entire facts and circumstances of the case as well as period of custody undergone by the petitioner, the present petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/-(Ten thousand) with two sureties of like amount each to the satisfaction of the Ld. Trial Court with conditions that the petitioner will not tamper with prosecution evidence or influence any witness. He will regularly attend the trial on each and every date of hearing. Accordingly, the prayer for regular bail of the accused-petitioner namely <b>Raj Kumar Gupta</b> is allowed.</p> <p style="text-align: right;"><b>Dictated by</b></p> <p style="text-align: right;">(Vishwa Vibhuti Gupta)<br/>District &amp; Additional Sessions Judge-1st-cum-<br/>Special Judge (SC/ST, CHILDREN &amp; NDPS ACT)<br/>Aurangabad, Bihar<br/>Dated: 08.06.2026</p> |
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