

**In the Court of Additional Sessions Judge VIth -cum-Spl. Judge POCSO, Patna
Special Case No.- 141/2022**

State of Bihar

Prosecution

Vs.

Krishna Gupta @ Krishna Raj

Accused Person

Order with signature of the Court

**Sr.
No.**

Date

**Office Action/s
taken with
Date**

12-12-2022

A bail application has been filed on behalf of accused namely **Krishna Gupta @ Krishna Raj** who is in custody since 26.07.2022 in connection with Jakkanpur P.S. Case No.284/2021 dated 26.06.2021 registered under Sections 363, 366A of IPC.

Heard Learned Advocate for the petitioner and Learned Spl. PP on behalf of the State.

The allegation against the accused-petitioner is of intoxicating the minor daughter of the informant, uploading her obscene pictures on Instagram, molesting her physically and eloping along with her.

Ld. Advocate for the accused-petitioner submitted that the petitioner-accused is innocent and committed no offence. It was further submitted that the petitioner has falsely been implicated in this case and the entire prosecution story is false and fabricated. It was further submitted that there is unexplained delay of 1 ½ months in registration of FIR. It was further submitted that from perusal of the FIR itself, it is clear that the daughter of the informant was living with the petitioner from 20.05.2021 but the informant did not inform the concerned P.S. regarding this. It was further submitted that the girl has mentioned her age as 17 years in her statement recorded under Section 164 of Cr.P.C. which is junction of minority and majority and there can be an error of 2-3 years in ascertaining the correct age of the victim. It was further submitted that Sections 12, 16 of POCSO Act and Sections 363, 366A of IPC are not made out against the petitioner. It was further submitted that the petitioner-accused is in custody since 26.07.2022. On these grounds, prayed for privilege of bail.

Ld. Spl. PP vehemently opposed the prayer of bail.

Heard both sides. Perused the record. From perusal of the record, it appears that the petitioner is named in the FIR and there is specific allegation against the petitioner-accused. From perusal of the statement of the victim recorded under Section 164 of Cr.P.C., it transpires that the victim has herself stated that she stayed with the petitioner in his house for about 10-15 days. Thus, a prima facie case under

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Contd.....
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Sections 363, 366A of IPC and Section 12, 16 of POCSO Act is made out against the petitioner-accused.

In view of the above stated facts and circumstances, considering the serious and grave nature of the allegations, it is not just and proper to enlarge this petitioner-accused on bail. Accordingly, bail application of this accused-petitioner is **rejected**.

The order is dictated and corrected by me.

Sd/-

**A.D.J. VIth -cum-Spl. Judge POCSO, Patna
Dated:- 12.12.2022**