

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19784 of 2022**

Arising Out of PS. Case No.-143 Year-2021 Thana- ARARIA District- Araria

Vijay Gupta, Son of Kameswar Gupta @ Kameshwar Prasad, Resident of
Village - Araria, R.S, Gupta Tola, Ward no.03, P.S.- Araria, Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anil Prasad Singh, Advocate

For the State : Mr.Vinod Shanker Modi, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 24-08-2022 Heard Anil Prasad Singh, learned counsel appearing on
behalf of the petitioner and Mr. Vinod Shaker Modi, learned A.P.P.
for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Special POCSO Case No. 08 of 2021, arising out of Araria (R.S) P.S.
Case No. 143 of 2021, registered for the offence punishable under
Section 354(A) of the Indian Penal Code and Section 8 and 12 of the
Protection of Children from Sexual Offences Act, 2012, pending in
the Court of learned Addl. Sessions Judge-VI-cum-Special Judge
(POCSO), Araria.

The allegation against the petitioner is that he is friend of
victim's father and he committed obscene act with the victim, who is
aged about 8 years.

Learned counsel for the petitioner submits that petitioner
has falsely been implicated in this case due to enmity with the father



of the victim and false case under Section 354(A) of the Indian Penal Code read with Section 8/12 of the POCSO Act has been lodged against him. Further submission is that the F.I.R. was lodged on 13.02.2021 and the statement of the victim was recorded after much delay on 15.02.2021. The victim girl was tutored by the informant, who is father of the victim girl and as such same is not sustainable in the eye of law. The petitioner is in custody since 17.02.2021.

Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner and submitted that the petitioner is the close friend of the informant and he has sexually assaulted the victim, who is aged about 08 years does not deserve to be released on bail.

Having considered the nature of allegation made against the petitioner, who is the close friend of the informant. The victim is eight years old and has identified thye petitioner and recorded her statement under Section 164 Cr.P.C. that he has committed obscene act with her. I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for grant of regular bail is rejected.

However, the learned trial Court is directed to conclude the trial expeditiously.

(Purnendu Singh, J)

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