

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75631 of 2019

Arising Out of PS. Case No.-219 Year-2019 Thana- BALIYA District- Begusarai

1. ANJANI DEVI @ ANJANI KUMARI Wife of Raj Kumar Malakar @ Raj Kumar Resident of Village-Chhoti Balia, P.S.-Balial, District-Begusarai.
2. Varsha Arya @ Varsha Kumari Daughter of Raj Kumar Malakar @ Raj Kumar Resident of Village-Chhoti Balia, P.S.-Balial, District-Begusarai.
3. Sunil Malakar @ Sunil Kumar Malakar Son of Late Jagdish Malakar Resident of Village-Chhoti Balia, P.S.-Balial, District-Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 26-11-2019 Heard the learned counsel for the petitioners and the learned A.P.P. for the State.

The petitioners apprehend their arrest in connection with Balia P.S. Case No. 219 of 2019 for the offence registered under Sections 376, 328, 363/34 of the Indian Penal Code and Section 4 of the POCSO Act.

The allegation is regarding the co- accused, namely, Raj Kumar Malakar having raped the informant of this case and the petitioners herein who are stated to be the wife, daughter and brother of the said Raj Kumar Malakar, are said to have assisted the said Raj Kumar Malakar in raping the informant.

The learned counsel for the petitioners has submitted that the Police has submitted the charge sheet against the said Raj



Kumar Malakar who is in custody and as far as the petitioners are concerned, the case has been found to be not true. However, the Special Judge, POCSO (A.D.J. 1st), Begusarai has differed and taken cognizance under Section 376, 328, 363, 34 of the Indian Penal Code and Section 4 of the POCSO Act against the FIR named accused persons including the petitioners herein.

The learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in the present case and they are having clean antecedents.

Having regard to the facts and circumstances of the case, the petitioners, above named, are directed to be released on anticipatory bail in the event of their arrest/surrender before the court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge. POCSO (A.D.J. 1st), Begusarai in connection with Balia P.S. Case No. 219 of 2019 subject to the conditions as stipulated under Section 438(2) of the Code of Criminal Procedure.

(Mohit Kumar Shah, J)

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