

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5310 of 2020

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

Raj Kumar Malakar @ Raj Kumar, Son of late Jagdish Malakar, Resident of
Village- Chhoti Balia, P.S- Balia, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Advocate.

For the Opposite Party/s : Mr.A.M.P. Mehta, APP

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 13-02-2020 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner is accused in connection with Balia
P.S. Case No. 219 of 2019, registered under Sections 376, 328
and 363/34 of the Indian Penal Code and Section 4 of the
POCSO Act.

The accusation is that informant, Puja Kumari, was
the student of matriculation in the year 2016 and she came in
touch with Rakhi Kumari, who accompanied the informant from
school to her house, where her father, Raj Kumar Malakar
(petitioner) took her in a room for watching T.V. Programme
and committed rape on her. When she starting weeping then his
wife Anjali Devi, daughters Barsha Arya, Komal Arya and



Rakhi Kumari and son, Sinil Malakar started giving threatening to kill her in case of disclosing the incident and at the time of committing rape, Raj Kumar Malakar (petitioner) also prepared her nude photograph. After sometime, wife of petitioner and daughters gave threatening to viral her nude photograph and called at her house, where petitioner again committed rape on her and she was also assaulted. On 06.06.2019, while the informant was in the way of house of her maternal uncle but in the way, Rakhi Kumari and Anjali Devi, daughter and wife of the petitioner came near her boarding on motorcycle and forcibly pulled her in the vehicle, in which, petitioner along with three persons were sitting with pistol. Thereafter, petitioner put some drugs in his handkerchief and kept on her nose then she became unconscious. When she regain conscious then she was found at Begusarai Railway Station and thereafter she was handed over to G.R.P. Begusarai.

Learned counsel for the petitioner submits that, in fact, family members of the informant had taken money from the petitioner but when petitioner demanded said money then only to give undue pressure, informant lodged the present case with false allegation on instigation of her father. Further submission is that while it is alleged in the FIR that informant



was classmate of daughter of the informant being the student of matriculation in the year 2016 but Rakhi Kumari, daughter of the petitioner appeared in matriculation examination in the year 2019 which would appear from the Admit Card issued by the Central Board of Secondary Education, Delhi (Annexure 3 of the petition).

Having regard to the facts and the circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the Special Judge, POCSO (A.D.J.-I), Begusarai, in connection with Special (POCSO) Case No. 39 of 2019 arising out of Balia P.S. Case No. 219 of 2019. Out of two sureties, one surety must be the close relative of the petitioner.

(Rajendra Kumar Mishra, J)

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