

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.15550 of 2024**

Arising Out of PS. Case No.-221 Year-2023 Thana- BEERPUR District- Begusarai

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DEV NARAYAN MALAKAR SON OF LATE JAMUN MALAKAR  
RESIDENT OF WARD NO.11, BHAWANDPUR (MALI TOLA), P.S. -  
BIRPUR, DISTRICT - BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Pritish Kumar Lal, Adv.  
For the Opposite Party/s : Mr.Shailendra Kumar, APP

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR  
PANDEY**

**ORAL ORDER**

5      25-07-2024                      Heard learned counsel for the petitioner as well as  
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Birpur P.S. Case No. 221 of 2023, registered for the offences punishable under Sections 342, 376, 509 of the Indian Penal Code and under Section 4, 6 and 8 of the POCSO Act.

3. As per allegation, 13 years old daughter of the informant who was not in sound mental state was called by the petitioner and he committed rape upon her. The informant found some nail mark on the person of the victim.

4. Learned counsel for the petitioner submits that the petitioner is cousin of father of the victim. As a matter of fact, he purchased a tempo and parked it in front of common house due to which some dispute arose resulting into false implication of the



petitioner. His further submission is that in medical report no spermatozoa was found.

5. On the other hand, learned APP, Shri Shailendra Kumar, opposed the prayer for bail by submitting that in her statement under Section 164 of the CrPC the victim has fully supported the occurrence by giving vivid description of the entire occurrence. The report of medical board shows that some injury was found on the person of the victim. It has also been submitted that in chemical examination by FSL, semen was found on underpants of the petitioner.

6. The report of the statement of victim under Section 164 of the CrPC reveals the complicity of the petitioner prima facie. Hence, the petitioner does not deserve the privilege for bail. Accordingly, it is rejected.

**(Nawneet Kumar Pandey, J)**

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