

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21964 of 2025

Arising Out of PS. Case No.-64 Year-2024 Thana- MATIHANI District- Begusarai

Rakesh Kumar S/O Kapildev Malakar R/O Musaheb Singh Tola, Ward No.-08, P.S- Sahebpur Kamal, Distt.- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Satrudhan Malakar S/O Late Gulten Malakar R/O Village- Barauni, P.S- Teghra, Distt.- Begusarai.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vinod Kumar Seth, Advocate
For the Opposite Party/s : Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 03-07-2025 Heard learned counsel for the petitioner and learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with POCSO Case No. 2265 of 2024, arising out of Matihani P.S. Case No. 64 of 2024 instituted for the offence under Sections 376, 385, 506 & 34 of the Indian Penal Code and Sections 4 & 8 of the POCSO Act.

3. Prosecution case in short is that one Aman Kumar raped the daughter of the informant. It is further alleged that petitioner and one other co-accused demanded Rs. 2,00,000/- (Two Lakh) for deleting the obscene video from the victim.

4. It has been submitted on behalf of the petitioner



that the petitioner is in custody since 07-12-2024. Petitioner bears no criminal antecedent, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Referring to statement of the victim recorded under Section 164 of the Cr.P.C., it is submitted that victim has very categorically alleged that one Aman Kumar forcibly raped her and in the latter part of her statement, she alleged that petitioner demanded Two lakhs rupees for deleting the obscene video. There is no allegation of sexual exploitation against the petitioner. There is delay of more than one year in lodging the FIR. Even as per medical report, no evidence of sexual assault was found. Charge sheet is submitted in this against the petitioner under Sections 385, 506/34 of the IPC, Sections 6/8 of the POCSO Act and Section 66(D) of the IT Act.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that there is serious allegation levelled against the petitioner of making the obscene video viral and demanding Two lakhs rupees for deleting the same, hence, he does not deserve the privilege of bail.



7. Considering the aforesaid facts and circumstances of the case, period of custody of the petitioner, since there is no allegation of sexual assault against the petitioner and charge sheet being submitted, this Court is inclined to grant bail to the petitioner.

8. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with POCSO Case No. 2265 of 2024, arising out of Matihani P.S. Case No. 64 of 2024, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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