

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11787 of 2024

Arising Out of PS. Case No.-47 Year-2023 Thana- MAHILA P.S. District- Kaimur (Bhabua)

Shahrukh Khan Son of Salim Miya R/o Village- Dewarji Khurd, P.S. Bhabua,
District- Kaimur at Bhabua

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, Advocate

For the Opposite Party/s : Mr. Atul Chandra, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 18-04-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with Bhabua Mahila P.S. Case No. 47 of 2023, lodged on 09.10.2023 under Sections 341,323,448,376,504,506,34 of the Indian Penal Code and Section 6 of the POCSO Act.

3. As per the prosecution case, the present F.I.R. has been lodged against the petitioner alongwith two other accused persons. The specific allegation against the petitioner is that he has committed rape upon the daughter of the informant who is about 14 years.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He further submits that from the content of the F.I.R., it becomes clear that there was no oppose from the victim. The petitioner and the informant both are next door neighbour. The petitioner is in



custody since 22.11.2023 having clean antecedent. On earlier occasion the case diary has been called for.

5. Learned counsel for the State opposes the prayer for bail and submits that on earlier occasion the case diary was called for in which the medical report of the victim girl and 164 Cr.P.C. is available.

6. From perusal of the statement of the victim girl recorded under Section 164 of the Cr.P.C., it appears that she has supported the prosecution version while during medical examination her age was determined as between 15 to 17 years.

7. In the present facts and circumstances, I am not inclined to grant regular bail to the petitioner.

8. Accordingly, the prayer for regular bail of the petitioner in connection with Bhabua Mahila P.S. Case No. 47 of 2023, pending before the learned Special Judge, POCSO Act cum A.D.J/VI, Kaimur at Bhabua is hereby rejected.

9. However, the petitioner would be at liberty to renew his prayer for bail after one year from the date of taking cognizance.

(Dr. Anshuman, J)

Ashwini/-

U			
---	--	--	--

