

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29075 of 2024

Arising Out of PS. Case No.-238 Year-2020 Thana- MANJHI District- Saran

Shahrukh Khan @ Sekh Nagar @ Shahrukh Son of Sekh Mehandi @
Mehandi Sekh @ Mohandi Khan Resident of Village- Katokhar P.S.- Manjhi
District- Saran at Chapra

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Samrendra Jha, Advocate
For the Opposite Party/s : Mr.Binay Krishna, Spl.PP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-07-2024 Heard learned counsel appearing on behalf of the

petitioner and Mr. Binay Krishna, learned Special P.P. for the

State.

2. Petitioner seeks bail in connection with Manjhi
P.S. Case No. 238 of 2020 (POCSO No. 116 of 2023)
registered for the offences under Sections 147, 148, 323,
307, 376, 511 of the Indian Penal Code and Section 3(r)(s)
of SC/ST (POA) Act, 1989.

3. The petitioner is not named in the First
Information Report and is in custody since 23.01.2024.

4. Allegation against the petitioner is to make an
attempt to commit rape upon daughter of the informant
alongwith co-accused persons and also to abuse them by
caste name. It is further alleged that assault was made with



an intention to cause death.

5. Learned counsel for the petitioner submitted that allegation against petitioner is limited to display a video having adult content before the daughter of the informant, whereas thrust of allegation, as regard to attempt for rape is against co-accused, Sadil Ansari. It is submitted that accusation against this petitioner is based upon electronic evidence, where mandatory certificate under Section 65(B) of the Indian Evidence Act, was not obtained during the course of investigation. It is further submitted that matter has been compromised between the parties, and accordingly, similarly situated co-accused person, Jaidulla Khan @ Jaidullah, has been granted bail by one of the learned co-ordinate Bench of this Court through Cr. Misc. No. 293 of 2022 vide order dated 19.05.2022. It is also submitted that face of the FIR is unable to suggest that act of petitioner is atrocities within the meaning of the Act and moreover, injury as alleged to be caused by this petitioner was simple in nature suggesting *prima-facie* absence of intention to cause death. While concluding argument, it is submitted that



investigation in this case is complete for which charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

6. Learned Special P.P. for the State opposes the prayer of bail of the petitioner.

7. In view of the facts and circumstances, as mentioned above, as thrust of allegation, as regard to, attempt for rape is against co-accused, Sadil Ansari, not against this petitioner coupled with the fact that investigation of this case is already completed, let the petitioner, above-named be directed to be released on bail in connection with Manjhi P.S. Case No. 238 of 2020 (POCSO No. 116 of 2023) on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Saran at Chapra/concerned court, subject to the condition as laid down under Section 437 (3) Cr.P.C.

(Chandra Shekhar Jha, J.)

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