

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59815 of 2024

In
CRIMINAL APPEAL (SJ) No.338 of 2024

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

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1. Md. Nazre Khan @ Nazre Khan @ Sheikh Nazre S/o Late Ushman Khan R/o vill - Katokhar, P.S. - Manjhi, Distt. - Saran at Chapra
 2. Wasim Ahmad S/o Md. Nazre Khan @ Nazre Khan @ Sheikh Nazre R/o vill - Katokhar, P.S. - Manjhi, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar
2. Vinod Kumar Singh S/o Late Nand Kishor Singh R/o Vill - Katokhar, P.s.- Manjhi, Distt. - Saran at Chapra

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh, Adv
For the Opposite Party/s : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

8 27-01-2025 Heard learned counsel appearing on behalf of the petitioner and learned Additional Public Prosecutor appearing on behalf of the State.

2. The accused/petitioner is not named in the F.I.R. and apprehended his arrest in connection with Manjhi P.S. Case No. 238 of 2020 registered for the offences punishable under Sections 147, 148, 323, 307, 376 and 511 of the IPC and Sections 3(r)(s) of the SC/ST (PoA) Act.

3. The allegation against the named co-accused



persons including petitioners is to make an attempt to commit rape upon daughter of informant and also to abuse her in cast name alongwith other co-accused persons. It is further alleged that assault was made with an intention to cause death.

4. Learned counsel appearing on behalf of the petitioners submitted that there is no overt allegation against these petitioners rather as per face of FIR it appears that they were the part of crowd of 50 people, who alleged to attack on the house of informant. It is further submitted by learned counsel that the allegatory part of the accusations as available through FIR is based upon secondary electronic evidence, for which mandatory certificate under Section 65(B) of the Indian Evidence Act is required, which was not obtained during the course of investigation. While concluding the argument it is submitted that petitioner is a man of clean antecedent.

5. Learned APP appearing on behalf of the State, opposes the prayer for bail.

6. In view of the facts and circumstances and by taking note of the fact as allegation against the petitioners is



prima-facie, very much general and omnibus without having any specific overt act, being member of crowd, accordingly both petitioners above named, in the event of their arrest or surrender before the learned trial court within a period of four weeks, are directed to be released on bail, furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-VI-cum-Exclusive Special Judge, POCSO Act, Saran at Chapra/concerned Court below where the case is pending in connection with Manjhi P.S. Case No. 238 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C./ Section 482 (2) of BNSS.

(Chandra Shekhar Jha, J.)

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