

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2523 of 2024**

Arising Out of PS. Case No.-25 Year-2024 Thana- JHAJHA District- Jamui

Eklavya Raj @ Eklabya Raj Son Of Nathuni Prasad @ Nathuni Paswan
Resident Of Village - Charghara, P.S. - Jhajha, District - Jamui

... .. Appellant/s

Versus

1. The State Of Bihar
2. Juli Murmur Daughter Of Late Chhote Lal Murmur Resident Of Mohalla -
Railway Awas No.-163 (A), P.S. - Jhajha, District - Jamui

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Niranjan Parihar, Advocate
For the Respondent/s : Mr.Binay Krishna, Sp.PP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

- 3 18-07-2024 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

2. This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter in short referred to as the SC/ST Act) against the refusal of prayer of bail *vide* order dated 06.03.2024 passed by the learned ADJ-I-Jamui-Cum- Special Judge, POCSO & SC/ST Act, Jamui in connection with Jhajha P.S. Case No. 25/2024 dated 17.01.2024 registered for the offence/s punishable u/s 457, 376 and 511 read with 34 of the Indian Penal Code and Sections 3(i))(r)(s)(w), 3(2)(va) of the SC/ST Act.



3. As per the prosecution case, the appellant and the co-accused persons are alleged to have entered the house of the informant and tried to rape on her on the point of knife. When the informant's husband came to rescue, the accused persons assaulted him and threatened to kill him.

4. Learned counsel for the appellant has submitted that the appellant has falsely been implicated in this case due to ulterior motive. As per FIR, no member of public was present at the relevant point of time of the incident. Learned counsel has further submitted that no particular caste name has been called by the appellant hence no case is made out under section SC/ST Act. The victim was not examined by the doctor. The petitioner had not made any attempt to commit rape on her. The appellant has one criminal antecedent as stated at para 3 of the bail petition. The appellant is in custody since 18.01.2024.

5. Learned counsel learned Spl. P.P. for the State has vehemently opposed the prayer of bail.

6. In view of the aforesaid facts and circumstances of the case as well as finding substance in the contention of the learned counsel for the appellant, the impugned order dated 06.03.2024 passed by the learned ADJ-I-Jamui-Cum- Special Judge, POCSO & SC/ST Act, Jamui in connection with Jhajha



P.S. Case No. 25/2024 is set aside against the appellant. The criminal appeal is allowed.

7. Accordingly, the above named appellant, is directed to be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty thousand) with two sureties of the like amount each to the satisfaction of the learned learned ADJ-I- Cum-Special Judge, POCSO & SC/ST Act, Jamui in connection with Jhajha P.S. Case No. 25/2024.

(Chandra Prakash Singh, J)

atul/-

U		T	
---	--	---	--

