

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3626 of 2024

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

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Kaif Khan Son of Late Parwez Khan @ Late Parwez Hassan Resident of
Village - Khalasi Mohalla, P.S.- Jhajha, District - Jamui

... .. Appellant/s

Versus

1. The State of Bihar 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

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Appearance :

For the Appellant/s : Mr.Niranjan Parihar
For the Respondent/s : Mr.Binay Krishna

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

ORAL ORDER

4 10-01-2025 Heard learned counsel for the appellant and learned

Special Public Prosecutor for the State.

2. This is an appeal under Section 14A(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
15.06.2024 passed by the learned Additional Sessions Judge-I-
Jamui-Cum- Special Judge, POCSO & SC/ST Act, Jamui
arising out of Jhajha P.S. Case No. 25/2024 dated 17.01.2024
registered for the offences punishable u/ss 457, 376 and 511
read with 34 of the Indian Penal Code and Sections 3(1)(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 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 SC/ST Act. The other co-accused person has been granted bail by this court vide order dated 18.07.2024 passed in Cr. Appeal (SJ) No. 2523 of 2024. The victim was not examined by the doctor. The petitioner had not made any attempt to commit rape on her. The appellant has no 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



15.06.2024 passed by the learned Additional Sessions Judge-I-Jamui-Cum- Special Judge, POCSO & SC/ST Act, Jamui arising out of 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 Additional Sessions Judge-I-Jamui-Cum- Special Judge, POCSO & SC/ST Act, Jamui arising out of Jhajha P.S. Case No. 25/2024.

(Chandra Prakash Singh, J)

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