

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.3198 of 2021**

Arising Out of PS. Case No.-353 Year-2018 Thana- GAIGHAT District- Muzaffarpur

Navin Shahi, male, aged about 42 years, S/o Late Rameshwar Prasad Shahi,  
Resident of Village - Baruari, P.S. - Gaighat, District - Muzaffarpur.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

**Appearance :**

For the Appellant/s : Mr. Ajay Kumar Thakur, Adv.

For the Respondent/s : Ms. Usha Kumari 1, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

2      26-08-2021

Heard Mr. Ajay Kumar Thakur, the learned

Advocate for the appellant and the learned Special Public

Prosecutor for the State.

The appellant has challenged the order dated 25.06.2021 passed by the learned Addl. Sessions Judge-III-Cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Gaighat P.S. Case No. 353 of 2018, instituted for the offences under Sections 341, 323 and 504 of the Indian Penal Code and Section 3(i)(r)(s) of the S.C./S.T. (Prevention of Atrocities) Act, 1989, whereby his prayer for grant of anticipatory bail has



been rejected.

The accusation against the appellants is that he in his capacity as Headmaster of Rajkiya Madhya Vidyalaya had asked one of the students of the school not to wear casual dress. When this was protested by the parents, the appellant is said to have abused them by taking their caste name.

It has been submitted on behalf of the appellants that an absolutely false case has been lodged against him, who, as a Principal of the school, was only trying to ensure discipline with respect to dressing in the school. It has further been submitted that since the students are provided economic assistance, their photographs are required to be uploaded on daily basis. In this connection, the appellant had asked a particular student to come to the school properly attired. This did not find favour with her parents and this false case has been instituted.

The appellant has now been transferred from the aforesaid school.



The accusation in the F.I.R. with respect to S.C./S.T. (Prevention of Atrocities) Act, it has been urged, appears to be highly exaggerated.

For the reasons afore-stated, the order dated 25.06.2021, referred to above, is set-aside.

The appellant, above-named, in the event of his arrest or surrender before the learned Court below within a period of eight weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-III-Cum-Special Judge, SC/ST (POA) Act, Muzaffarpur in connection with Gaighat P.S. Case No. 353 of 2018, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

The appeal stands allowed.

**(Ashutosh Kumar, J)**

Praveen-II/-

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