

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.179 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- FATUA District- Patna

=====

Shashi Rai @ Shashi Kumar S/o Shree Sunil Rai @ Sunil Singh Resident of
Village-Nathupur Sultanpur, P.S.-Fatuha, District-Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Prakash Chandra Jha
For the Respondent/s : Mr.A.G.

=====

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER**

2 27-10-2021 The appellant has challenged the order dated

05.09.2020 passed by the Special Judge, SC/ST, Patna

in connection with Fatuha P.S. Case No. 197 of 2020

instituted for the offences under Sections 147, 148,

149, 341, 323, 307, 337, 338, 447, 504, 506 of the

Indian Penal Code, Section 27 of the Arms Act and

Section 3(1)(r)(s) of the SC & ST (Prevention of

Atrocities) Act, 1989, whereby their prayer for being

released on anticipatory bail has been rejected.

The appellant and others are alleged to have

assaulted the informant and others and are also alleged

to have abused them by their caste name.



Learned counsel for the appellant submits that the allegation against the appellant is omnibus and general and the specific accusation of firing is against co-accused Golu Kumar. A statement has been made in para 3 of the petition that appellant has no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 05.09.2020. While saying so, this Court has also taken note of the fact that except for a vague allegation of the informant and others of having abused by calling the caste name, no offence under anyone of the provisions of the SC & ST (Prevention of Atrocities) Act can at all be said to have been made out. The aforesaid provisions have only been added to add seriousness to the offence.

The appellant, above named is directed to be released on bail in the event of his arrest or surrender within a period of four weeks from today and on his furnishing bail bonds of Rs. 10,000/-(ten thousand)



each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST Act, Patna in connection with Fatuha P.S. Case No. 197 of 2020, Special Case No. 120 of 2020.

(Sunil Kumar Panwar, J)

Shageer/-

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

