

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.4780 of 2021

Arising Out of PS. Case No.-434 Year-2019 Thana- SARAI District- Vaishali

Shyam Nath Rai @ Somnath Rai Son of Chhedi Rai Resident of village -
Gangajal, P.S.- Sonpur, District - Saran at Chapra.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Vijaya Laxmi Srivastawa
For the Respondent/s : Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 27-07-2022 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The present memo of appeal has been filed on behalf of the appellants for grant of anticipatory bail against the order dated 17.06.2020 passed by learned Additional Sessions Judge Ist-cum-Special Judge (SC/ST Act), in connection with Sarai P.S. Case No. 434 of 2019 under Sections 302/34 of the Indian Penal Code and section 27 of the Arms Act and section 3(2), 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, whereby the prayer for anticipatory bail of the appellants was rejected.

As per the prosecution case this appellant fired upon the mother of informant as a result of which she died on the spot.



It is submitted on behalf of the appellant that appellant has falsely been implicated in this case and one Nagendra Rai @ Satendra Rai is the real culprit who was having illicit relation with the deceased. No case under SC/ST Act is made out, as the occurrence has not taken place within public view. Appellant has got clean antecedent.

Counsel for State however vehemently opposed the prayer for bail and submitted that appellant is named in the FIR and he is the assailant of deceased.

Considering the aforesaid facts and circumstances, prayer for suspension of sentence and grant of bail to the appellant stands dismissed.

(Prabhat Kumar Singh, J)

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