

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.53933 of 2017

Arising Out of PS.Case No. -424 Year- 2017 Thana -PATRAKARNAGAR District- PATNA

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Dr. Manoj Kumar, son of Sri Vishesh Kumar Das, resident of Doctors Hostel No. 3, PMCH, P.S. – Pirbahore, District – Patna. Permanent address Kajhalodhi, P.S. – K. Nagar, District – Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mrs. Usha Kumari Singh, Advocate

For the Opposite Party/s : Mr. Mustaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2. 09-11-2017

Heard learned counsel for the petitioner,

learned counsel for the informant and learned Additional

Public Prosecutor for the State.

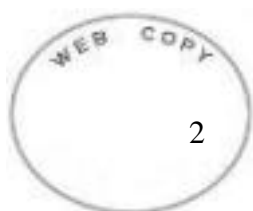
The petitioner is a qualified doctor, who is an accused, seeking Anticipatory Bail in connection with Patrakar Nagar P.S. Case No. 424/2017 for the offences under Sections 354, 385, 504 of the Indian Penal Code and Section 66 of the I.T. Act.

The allegations against this petitioner is that while he was serving in Budha Hospital and Research Institute, Kankarbagh, Patna, there was a complaint against him by the employees of the Institute that he was bringing liquor in the premises and was involved in consuming liquor and when these facts came to the notice of the



informant he asked the petitioner to leave the job of the Institute and go elsewhere but on hearing this he became angry and started abusing the informant with threat to involve him in false cases. It is further alleged that 2 – 3 days prior to lodging of this F.I.R., the informant was sending filthy messages on the mobile number mentioned in the F.I.R., and those messages were in the nature of causing indecency to the ladies of the family and there were threats that the petitioner will lodge a case against the informant under the provisions of SC/ST Act.

Learned counsel for the petitioner submits that in fact there was a dispute between the petitioner and the Director of the Institute over payment of his salary and for that reason only the present F.I.R. has been lodged. He further submits that the petitioner was earlier working in the Primary Health Centre at Supaul and was relieved from there for higher education in Patna Medical College and Hospital, Patna, but in off hours he was used to go on the duty of the Institute to earn his livelihood. He has further referred the F.I.R. (Annexure-2) lodged by this petitioner on 05.09.2017 with regard to the occurrence which had taken place on 12.08.2017.



On the other hand, learned counsel representing the informant submits that in fact the mind-set of this petitioner is not that of a qualified doctor, inasmuch as it will appear from the kind of messages which he has sent on the mobile that he was sending indecent and filthy messages which cannot be read out even in the court room. He has further submitted that, as per the threat given to the informant, this petitioner has lodged a case under the provisions of SC/ST Act just to harass this informant.

Once the printed copy of the messages were produced by learned counsel for the informant in the court room, learned counsel for the petitioner on instruction from his client submits that at this stage good sense has prevailed to his client and he is not even willing to continue with the case lodged by him under the provisions of SC/ST Act giving rise to SC/ST P.S. Case No. 14/2017.

Learned counsel further submits that this petitioner will not do any act or did so as to create any hindrance in the smooth working of the Hospital and he wants to go on with his medical profession and study peacefully. On repeated query made by this court, learned counsel re-affirm that he has got instruction to submit this



before this court and this may be taken as an undertaking by the petitioner.

In the aforesaid view of the matter, learned counsel for the informant, in the present case, has got no objection as his client is also not in favour of prolonging the litigation in the nature of the present case.

In the aforesaid view of the matter, in the event of his arrest/surrender before the court below within a period of four weeks, let the petitioner above-named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned Sub-Judge-X-cum-A.C.J.M., Patna, in connection with Patrakar Nagar P.S. Case No. 424/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, and further condition that in terms of his own undertaking he will act in future.

This application stands allowed for the reasons indicated hereinabove.

(Rajeev Ranjan Prasad, J.)

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