

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No. 1821 of 2018

Arising Out of PS.Case No. -17 Year- 2018 Thana -SC/ST District- JEHANABAD

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1. Dr. Geeta Kumari, Wife of Pramod Kumar @ Vimal Kumar, Resident of
Village - Bedauli, P.S. - Masaurhi, District - Patna.

.... Appellant

Versus

1. The State of Bihar.

.... Respondent

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Appearance :

For the Appellant/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 18-07-2018

Heard learned counsel for the parties.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for anticipatory bail vide order dated 25.04.2018 in A.B.P. No. 608 of 2018 passed by the learned 1st Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Jehanabad in connection with Jehanabad SC/ST P.S. Case No. 17 of 2018 registered under Sections 147, 148, 323, 307, 504, 379 of the Indian Penal Code as well as Sections 3(1)(r)(s), 3(2)(va) of the SC/ST Act.

The appellant is a Doctor. Informant had gone for surgical operation of her relative to the clinic of the appellant. The appellant demanded Rs.30,000/-. Informant was ready to pay Rs.10,000/- only. For that reason, appellant refused to operate and allegation is that she committed abuse by taking caste name and assault.



Submission is that prosecution is an abuse of process of the law apparently for the reason that the appellant has got professional liberty to charge fee which should be reasonable and in the present case, for the operation, the demand of Rs.30,000/- is not excessive one.

Learned Special Public Prosecutor has opposed the prayer for bail.

Considering the background and nature of allegation, let the appellant, above named, in the event of her arrest or surrender before the Court below within a period of thirty days from the date of receipt of the order, be released 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 court below where the case is pending in connection with the aforesaid case, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure as well as condition that the appellant shall fully cooperate with the investigation and trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

Accordingly, the impugned order is set aside and this appeal stands allowed.

(Birendra Kumar, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
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