

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Appeal (SJ) No.3003 of 2018

Arising Out of PS.Case No. -133 Year- 2014 Thana -PALIGANJ District- PATNA

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1. Dr. M. R. Arif son of Md. Samsudin, resident of Village- Vajipur, P.S. Kinjar,
District- Patna.

.... Appellant/s

Versus

1. The State of Bihar

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mukesh Kumar, Advocate

For the Respondent/s : Mr. Sadanand Paswan, SPP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR

ORAL JUDGMENT

Date: 24-09-2018

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 against the refusal of prayer for bail vide order dated 20.07.2018 passed by the learned Special Judge (S.C./S.T. Act), Patna, in Special Case No.233 of 2018, arising out of Paliganj Police Station Case No.133 of 2014, registered under Sections 419/420/468/304/307/504/509/34 of the Indian Penal Code and Section 3(x) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The appellant claims to be a doctor and proprietor of a Nursing Home. According to FIR, a patient undergone surgery in the Nursing Home and he died subsequently.

On the last date the appellant was directed to produce



educational qualification of the doctor who has performed surgery. The appellant could not produce the same as the doctor is not ready to provide certificate.

Appellant is ready to file affidavit giving undertaking that in future he will not run Nursing Home. The present Nursing Home has already been closed.

Considering the aforesaid fact, let the appellant, above named, **on filing of affidavit that in future he will not run Nursing Home**, be released on bail on furnishing bail bond of Rs.20,000/- (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, with condition that the appellant shall fully cooperate with the investigation/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 appeal is allowed.

(Birendra Kumar, J)

Mkr./-

AFR/NAFR	NAFR
CAV DATE	NA
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