

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Appeal (SJ) No.295 of 2019

Arising Out of PS. Case No.-195 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

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Dr. Pawan Kumar aged about 39 years Male, s/o Late Baban Prasad Village-
Sarhua, P.s. - Udwant Nagar, District Bhojpur.

... .. Appellant/s

Versus

The State of Bihar Bihar

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Brajesh Prasad Gupta
For the Respondent/s : Mr.Sadanand Paswan

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 15-02-2019 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 by order dated 02.01.2019 passed by learned **Additional Sessions Judge, Bhojpur, Ara** in connection with **SC/ST Case No. 232 of 2018 arising out of Udwant Nagar P.S. Case No. 195 of 2018** registered under Sections 304/34 of the IPC and Section 3(i)(R)(S)/3(2)(v) of SC/ST (Prevention of Atrocities) Act.

Informant in his written complaint has alleged that he brought his wife to perform surgical operation in the clinic of petitioner where she was operated but the operation was not successful and she died during the course of treatment. It has



been alleged that petitioner negligently performed the operation as a result of which the wife of the Informant died.

It has been submitted on behalf of the petitioner that the petitioner is a qualified MBBS Doctor having no criminal antecedent and is in custody since 02.01.2019.

Considering the aforesaid facts and circumstances of the case, let the appellant named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with the aforesaid case, with following conditions:-

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Appellant shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.
- (3) If the Appellant tampers with the evidence or the witnesses of the case, in



that case, prosecution will be at liberty to
move for cancellation of bail of the
Appellant.

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

(S. Kumar, J)

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