

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.644 of 2019

Arising Out of PS. Case No.-188 Year-2017 Thana- BAGHA District- West Champaran

DR. ASHOK KUMAR TIWARI @ ASHOK KUMAR TIWARI, Son of Late Basudeo Tiwari, Resident of Village - Mirhatti, P.S.- Sultanganj, Distt.- Bhagalpur, Bihar

... .. Appellant

Versus

The State of Bihar

... .. Respondent

Appearance :

For the Appellant/s : Mr. N.K.Agrawal, Sr. Advocate with
Mr.Saket Tiwary, Advocate
For the Respondent/s : Mr.Sadanand Paswan, Special P.P.

CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL JUDGMENT

Date : 26-02-2019

This appeal is for grant of pre-arrest bail to the appellant against the order dated 16.11.2018 passed by Additional Sessions Judge-I-Special Judge, West Champaran, Bettiah, in A.B.P. No.2192 of 2018 by which learned Special Judge has rejected prayer for pre-arrest bail of the appellant, who has been made accused in Bagaha SC/ST P.S.Case No. 188 of 2017, registered under Section 304 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

Allegation against the appellant, who is a Doctor, is that due to negligence death of father of the informant occurred and further allegation against the appellant is that he abused the informant by taking caste name.

Submission of learned counsel for the appellant is that patient has come to him late and due to which the patient died and the allegation is false and concocted and to make the case serious Section 3 of SC/ST Act has been added. Further submission is that police after investigation has submitted final form but cognizance has been taken.



Heard learned Special P.P.

Having heard both sides and in the facts and circumstances, let the appellant, named above, be released on bail, in the event of arrest or surrender, on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge-I-cum-Special Judge, West Champaran, Bettiah, in connection with Bagaha SC/ST P.S. case No. 188 of 2017, subject to the conditions as laid down under Section 438(2) Cr.P.C. and one of the bailors of the appellant shall be a local person, having sufficient immoveable properties within the jurisdiction of court concerned.

Accordingly, the appeal is allowed and the impugned order dated 16.11.2018 is set aside.

(Vinod Kumar Sinha, J)

spal/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

