

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Appeal (SJ) No.4503 of 2018**

Arising Out of PS. Case No.-41 Year-2017 Thana- SC/ST District- Muzaffarpur

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1. Dr. Subhadra Kumari , wife of Dr. Rajesh Kumar @ Rajesh Gupta.  
2. Dr. Rajesh Kumar (but in the FIR has wrongly been mentioned as Dr. Rajesh Gupta and accordingly @ name is being added) alias Dr. Rajesh Gupta, son of Sri Chakardhar Pd. Singh.  
Both are residents of Indiraprasth Nursing & Trauma Centre, Juran Chapra, P.S.- Brampura, District- Muzaffarpur.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Shashank Shekhar  
For the Respondent/s : Smt Usha Kumari No-1

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**CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA**  
**ORAL JUDGMENT**

**Date : 24-01-2019**

This is an appeal under Section 14A(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer of anticipatory bail dated 11.10.2018 passed by the learned 11<sup>th</sup> Addl. Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur in ABP No. 3022 of 2018 arising out of SC/ST P.S.Case No. 41 of 2017 registered under Sections 311, 315, 323, 341 and 120B/34 of the Indian penal Code and Sections 3(i)(r)(s), 2(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Allegation as per the FIR is of demanding money for the treatment and also of negligence in the operation causing death



of two grandsons of the informant and also withholding the dead bodies for demand of money and abused him by caste name.

Submission of learned counsel for the appellants is that as a matter of fact present complaint case is counter blast to the case lodged by the owner of the nursing home against the complainant and others, which is Annexure-2 in which charge sheet has been submitted against the complainant and others and present complaint petition has been lodged after four months. It has also been submitted that as a matter of fact, daughter of the complainant was suffering from anemia and complainant was asked to provide blood and as he could not provide blood from the certified agency, a dispute arose and he made *Hangama* for which a case has been lodged which is Annexure-2.

Heard learned Spl. P.P also.

Having heard both sides and in view of the facts and circumstances, as stated above, let the appellants, in the event of arrest or surrender before the court below within a period of six weeks from the date of receipt/production of a copy of this order, be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) each with two sureties of the like amount each to the satisfaction of the learned 11<sup>th</sup>



Addl. Sessions Judge-cum-Special Judge, SC/ST (Prevention of Atrocities) Act, Muzaffarpur in ABP No. 3022 of 2018 arising out of SC/ST P.S.Case No. 41 of 2017; subject to condition as laid down under Section 438(2) of the Code of Criminal Procedure.

Accordingly, the appeal is allowed and the impugned order is set aside with respect to them.

**(Vinod Kumar Sinha, J)**

sujit/-

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