

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1756 of 2019

Arising Out of PS. Case No.-149 Year-2019 Thana- KANKARBAG District- Patna

1. Dr. Rajesh Kumar Son of Late Shree Sitaram Das Resident of Malahi Pakri, P.S.- Patrakar Nagar, District- Patna, at present posted at Swastik Hospital, East Indira Nagar 90 Feet, Malahi Pakri Road, Kankarbag, P.S.- Kankarbag, District- Patna.
2. Sharvan Kumar Son of Shree Fudena Singh Resident of Village- Bhagwanpur, P.S.- Bhagwanpur, District- Chhapra at Saran, at present posted as Manger, Swastik Hospital, East Indira Nagar 90 Feet, Malahi Pakri Road, Kankarbag, P.S.- Kankarbag, District- Patna.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Satya Nand Shukla
For the Respondent/s : Mr. Sadanand Paswan

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

3 05-07-2019 Heard learned counsel for the appellants and learned
Spl. P.P. for the State.

The appellants seek pre-arrest bail in connection with Kankarbag P.S. Case No. 149 of 2019 registered for the offence punishable under Section 304 of the Indian Penal Code and Section 3(i)(r) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

At the instance of appellant no. 1, who happens to be Physician, the informant got her husband admitted in the Swastik Hospital, where he was operated but subsequently



succumbed and Manager, Doctor and Compounder of the said hospital made good their escape.

It is submitted by learned counsel for the appellants that the appellants have no concern with the aforesaid occurrence. They have been falsely implicated in this case. Appellant no. 1 does not happen to be Surgeon rather Physician and he has only advised the informant to get her husband admitted in Swastik Hospital where he was operated and the appellant no. 2 happens to be Manager of the said hospital. They have played no role in operation of the husband of the informant. There is no negligence on the part of the appellants in the treatment of the deceased, hence, they may be enlarged on bail.

Learned Spl. P.P. for the State opposed the bail prayer of the appellants.

Having regard to the facts and circumstances of the let the above named appellants be released on bail, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Special Judge, SC/ST, Act, Patna in connection with Kankarbag P.S. Case No. 149 of



2019, subject to the condition as laid down under Section 438
(2) of the Cr.P.C.

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

(Prakash Chandra Jaiswal, J)

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