

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2567 of 2019

Arising Out of PS. Case No.-2 Year-2019 Thana- GOVINDGANJ District- East Champaran

1. Dr. Romi Pandey Wife of Sri Nilesh Pandey Resident of Village- Radiya, P.S.- Govindganj, District- East Champaran.
2. Nilesh Pandey Son of Sri Arun Pandey @ Arun Kumar Pandey Resident of Village- Radiya, P.S.- Govindganj, District- East Champaran.
3. Dr. S.N. Tiwari Son of Sri Rampratap Tiwari Resident of Mohalla- Belbanwa, P.S.- Motihari Town, District- East Champaran.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Umesh Chandra Verma
For the Respondent/s	:	Mr. Binay Krishna

CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA JAISWAL

ORAL ORDER

5 27-08-2019 Heard learned counsel for the appellants and learned Spl. PP for the State.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act against the refusal of prayer of anticipatory bail vide order dated 09.05.2019 passed by learned 1st Addl. Sessions Judge cum Special Judge, SC/ST Act, East Champaran, Motihari in Govindganj P.S. Case No. 02 of 2019 registered under Sections 420, 304, 120-B/34 of the Indian Penal Code and Section 3(2)(V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.



Pregnant daughter-in-law of the informant was operated by the appellants and one other accused, namely, Dr. Rajesh Kumar at Charitable Hospital-cum-Trust Areraj Referral Hospital, but his daughter-in-law expired during course of operation. Thereafter, all the four doctors took her to Rahmaniya Medical Centre, Motihari on their vehicle and leaving the dead body there, they were escaping, but on interception by the informant and his relatives, they slated them in the name of their caste extending threatening of crushing them by their vehicle.

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. As a matter of fact, the deceased was operated by doctor Rahul Kumar @ Sonu Ji and not by the appellants and moreover allegation levelled against the appellants is not specific rather general and omnibus in nature. Informant has entered into compromise with the appellants and in his affidavit filed in support of compromise petition, he has candidly stated that the deceased was not operated by the appellants rather by Dr. Rahul Kumar Pandey @ Sonu Babu, hence, they may be enlarged on bail.

Per contra, learned Spl. P.P. opposing the bail prayer



of the appellants submitted that there is direct allegation against the appellants of carrying out the operation of the daughter-in-law of the informant, resultantly, she expired, and thereafter, they took her dead body to other hospital and fled away from there. Witnesses in paragraphs 10, 11 and 12, have fully supported the occurrence, hence, they do not deserve bail.

Having regard to the facts and circumstances of the case, I am not inclined to enlarge the appellants on bail. Accordingly, their prayer is rejected.

However, appellants are directed to surrender before the court below within six weeks and seeks regular bail and learned court below shall pass order in accordance with law considering the facts and circumstances of the case without being prejudiced by this order.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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