

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2730 of 2019

Arising Out of PS. Case No.-347 Year-2018 Thana- LALGANJ District- Vaishali

Dr. Arun Kumar Singh @ Arun Kumar Singh S/o Virchandra Singh @
Virchanra Patel Resident of Village- Usufpur, P.S.- Lalganj, District- Vaishali.

... .. Appellant.

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Arvind Kumar Sinha
For the Respondent/s : Mrs. Usha Kumari 1

**CORAM: HONOURABLE MR. JUSTICE PRAKASH CHANDRA
JAISWAL**

ORAL ORDER

3 11-09-2019 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

This is an appeal under Section 14(A)(2) of the
Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act, 1989 (hereinafter in short referred to as the
'SC/ST Act') against the refusal of prayer for bail vide order
dated 22.05.2019 passed by learned 1st Additional Sessions
Judge cum Special Judge, Vaishali at Hajipur in connection with
Lalganj P.S. Case No. 347 of 2018 registered under Section
304/34 of the Indian Penal Code and Section 3(1) (r) (s), 3 (ii)
(v) of the Scheduled Castes and Scheduled Tribes (Prevention of
Atrocities) Act.

Appellant is said to have operated the uterus of the



mother of the informant at his private clinic taking Rs.10,000.00 as fee but his mother succumbed to the aforesaid operation and on quizzing the appellant about the death of his mother he slated him in the name of caste and left his clinic.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has been falsely implicated in the case due to ulterior motive. He had not operated the deceased rather the deceased was operated by some other doctor. No incriminating article has been recovered from his conscious physical possession. Subsequently, on recognizing the true state of affair, the informant has given a petition before the learned C.J.M., Vaishali regarding non-complicity of the appellant in the occurrence. Moreover, the parties to the case have compromised the matter. Appellant has been languishing in custody since 10.05.2019. Hence, appellant may be enlarged on bail.

Per contra, learned Spl. PP for the State opposing the prayer for bail submitted that the appellant does not happen to be surgeon and he operated the mother of the informant, resultantly she died and several instrument meant for operation has been seized from the clinic of the appellant. It is further submitted that the number of witnesses have supported



the occurrence. Independent witness Chinta Devi in para-9 of the case diary has stated that despite protest made by her the appellant carried out the operation feigning that the operation will be conducted by some other doctor of Patna. Hence, the appellant does not deserve bail.

In the facts and circumstances of the case, I am not inclined to enlarge the appellant on bail. The prayer for bail is hereby rejected.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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