

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2848 of 2019**

Arising Out of PS. Case No.-195 Year-2018 Thana- UDWANTNAGAR District- Bhojpur

Bhagirathi Prasad Chowrasia @ Dr. Bhagirathi @ Bhagirathi@ Bhagirath S/o
Jawahar Prasad Chawrasia R/o Village- Patna City , P.S.- Khajekellan,
District- Patna.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ravindra Kumar

For the Respondent/s : Mr. Binay Krishna

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

ORAL ORDER

8 22-10-2019 Heard learned counsel for the appellant 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 for bail vide order dated 01.06.2019 passed by learned 1st Addl. Sessions Judge, Bhojpur at Ara in Udwanthnagar P.S. Case No. 195 of 2018 registered under Section 304/34 of the Indian Penal Code and Sections 3(i)(r)(s), 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

At the instance of Dr. Pawan Kumar, Dr. Bhagirathi, Dr. Anil and others conducted uterus operation of the wife of the informant but, she succumbed to her operation.



Even then, Dr. Bhagirathi referred her to Patna and himself accompanied them in the ambulance but, on the way fled away taking documents regarding treatment on the pretext of urination.

It is submitted by learned counsel for the appellant that the appellant has no concern with the aforesaid occurrence. He has not conducted any operation rather he happens to be compounder. Allegation levelled against the appellant is not specific rather general and omnibus in nature. Appellant has been languishing in custody since 31.05.2019. Other co-accused persons have been enlarged on bail by co-ordinate Bench of this Court, hence, the appellant may be enlarged on bail.

Per contra, learned Spl. P.P. for the State and learned counsel for the informant opposing the bail prayer of the appellant submitted that the appellant has conducted uterus operation of the wife of the informant negligently, resultantly, his wife died. Even then, the appellant referred her to Patna but, on the way fled away taking the documents of treatment. Informant in his further statement and witnesses in the case diary, have supported the occurrence. Appellant happens to be doctor. He along with Dr. Pawan Kumar and Anil had taken premises on rent for running clinic. Owner of the said premises



also corroborated giving premises on rent for running clinic to them. Appellant was not compounder rather compounder was one Jitendra Kumar, who has been enlarged on bail by a co-ordinate Bench of this Court, hence, the appellant does not deserve bail.

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

However, learned court below is directed to conclude the trial as expeditiously as possible preferably within five months from the date of framing charge and S.P. Bhojpur is directed to ensure production of the witnesses in the case on each and every date fixed without fail.

Let a copy of this order be communicated to S.P. Bhojpur by fax for needful.

Accordingly, this appeal is dismissed.

(Prakash Chandra Jaiswal, J)

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