

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2877 of 2019**

Arising Out of PS. Case No.-15 Year-2019 Thana- SC/ST District- Patna

Dr. Gaurav Gupta, Son of Chandra Mohan, Resident of F-23, Village - MMU Mullana, P.S.- Barara, Dist.- Ambala, Haryana.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mrs. Soni Shrivastava, Adv.

Mr. Anjani Kumar Jha, Adv.

For the Respondent/s : Mr. Binay Krishna, Spl. P.P.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

10 02-12-2019 Heard learned counsel for the appellant and learned
Spl. P.P. for the State.

The appellant, in the present appeal, is challenging the order dated 27.04.2019 passed by Additional Sessions Judge-VII-cum-Special Judge, SC/ST, Patna in ABP No.3123 of 2019 arising out of SC/ST P.S. Case No.15/2019 Special Case No.154/2019 registered for the offences punishable under Sections 341, 342, 114, 504, and 506/34 of the Indian Penal Code and Section 3(1) (r)(s)/3(2)(va) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

Learned counsel for the appellant submits that the appellant is innocent and has falsely been implicated in this case with ulterior motive. Learned counsel submits that there are



general and omnibus allegations against the appellant.

Learned Spl.P.P. for the State is present and has opposed the prayer for anticipatory bail of the petitioner.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the appellant that professional rivalry between the informant and his wife has led to filing of the present case and it has been shown from the records that prior to filing of the present case on 02.04.2019, the wife of this appellant who is also an associate professor, Department of Physiology in AIIMS Patna has lodged a complaint against the informant alleging that he had indulged in abusing, unscrupulous, derogatory and discourteous behaviour which further in the nature of allegation where it is alleged that in the chambers of informant the appellant had abused him in his caste name, but there is no independent witness to the same and further that the wife of this appellant who is also an accused in this case has been granted privilege of anticipatory bail by a learned coordinate Bench of this Court vide Criminal Appeal (SJ) No.1905 of 2019 , let the appellant in the event of his arrest or surrender within a period of four weeks from today, be enlarged on bail on furnishing of bail bonds of Rs. 15,000/- (fifteen thousand) with two sureties of the like amount each to



the satisfaction of learned Special Judge, SC/ST, Patna in connection with SC/ST P.S. Case No.15 of 2019 Special Case No.154 of 2019, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. i.e.

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court.

(Rajeev Ranjan Prasad, J)

arvind/-

U		T	
---	--	---	--

