

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.3745 of 2019

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

ANIL @ ANIL KUMAR RAM S/o Bhuwar Ram Resident of Village-
Bimwan, Police Station- Jagdishpur, District- Bhojpur.

... .. Appellant/s

Versus

The State of Bihar.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Pramod Kumar

For the Respondent/s : Mrs. Usha Kumari 1

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

ORAL ORDER

3 04-11-2019 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 03.06.2019 passed by learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No.195 of 2018, corresponding to SC/ST Case No.232 of 2018 registered under Section 304/34 of the Indian Penal Code and Section 3(1) (r) (s)/3 (2) (v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

At the instance of Dr. Pawan Kumar, Dr.



Bhagirithi Dr. Anil and others carried out the operation of the uterus of the wife of the informant but she succumbed to operation and even then Dr. Bhagirithi referred her to Patna and himself accompanied them in the ambulance and on the way scated along with the prescriptions of the treatment etc. on the pretext of urination.

It is submitted by learned counsel for the appellant that he has no concern with the aforesaid occurrence. He has been falsely implicated in the case merely because he happens to be staff of the nursing home. He does not happen to be doctor and he had not carried out the operation of the wife of the informant. He happens to be mere sweeper of the nursing home. Witness in paragraph 6 and 31 of the case diary have stated that the appellant is a staff of the nursing home and independent witness in paragraph-109 of the case diary has disclosed the appellant as sweeper of the nursing home. Appellant has no criminal antecedent and has been languishing in custody since 25.04.2019,

Learned Spl. PP for the State opposed the prayer for bail.

In the facts and circumstances of the case, the above named appellant is directed to be released on bail on



furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge, Bhojpur at Ara in connection with Udwant Nagar P.S. Case No.195 of 2018 corresponding to SC/ST Case No.232 of 2018.

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

(Prakash Chandra Jaiswal, J)

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