

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1526 of 2020

Arising out of PS. Case No.-133 Year-2020 Thana- NAWADA District- Nawada

Bipin Kumar, Son of Late Ramswarup Prasad Singh, Resident of Village-Tungi, P.S.- Hisua, District- Nawada.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Man Mohan Kumar, Advocate
For the Respondent/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 22-09-2020 The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the appellant and learned Spl. PP for the respondent-State.

Since the court proceeding in physical mode is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the appellant undertakes to remove the defects within three weeks of resumption of court proceeding in physical mode. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The present appeal has been preferred on behalf of the appellant for setting aside the order dated 06.07.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Nawada in B.P. No. 1308 of 2020, whereby the appellant's prayer for



bail in connection with Special Case No. 22 of 2020 arising out of Nawada Town P.S. Case No. 133 of 2020 registered for the offences punishable under Sections 419, 420, 323, 327, 504, 304 and 120B of the Indian Penal Code and Sections 3(2)(r) of SC/ST (Prevention of Atrocities) Act, has been rejected.

The prosecution case, as per the fardbeyan of Sudhir Kumar Das recorded by Bijya Kumar Singh, S.I. Nawada Town P.S., is to the effect that on 07.02.2020 at 4 P.M., the sister-in-law (bhabhi) of the informant was in labour pain, consequently, she was taken to Sadar Hospital, Nawada where after examination by a doctor, she was referred to Magadh Medical College, Gaya where the informant met with Asha workers Panchali Devi and Ranju Devi who advised the informant to take her sister-in-law to Maa Ahilya Janch Ghar where she delivered a girl child, but subsequently she died. Subsequently, on inquiry, the informant came to know that there was no licenced doctor in the said Nursing home and subsequently, the informant was assaulted by the staffs, leading to the registration of the FIR. It is alleged that the appellant is the owner of the said hospital.

It is submitted by learned counsel for the appellant that thrust of accusation is against the Asha workers namely Panchali Devi and Ranju Devi and there is nothing on record to suggest that the appellant is running the nursing home in question and the appellant's name sprang up during investigation. A statement has



been made in paragraph no. 3 of the petition that the appellant is not having any criminal antecedent and the investigation has already been concluded.

Learned Spl. PP for the State submits that the appellant is named in the FIR and he is the owner of the nursing home.

Considering the thrust of accusation against Asha workers Panchali Devi and Ranju Devi and the fact that the investigation has already been concluded, order dated 06.07.2020 passed by learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Nawada in B.P. No. 1308 of 2020 is, hereby, set aside and the appellant above named is directed to be released on bail for a period of three months for the present on furnishing one surety to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Nawada in connection with Special Case No. 22 of 2020 arising out of Nawada Town P.S. Case No. 133 of 2020.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the appellant which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the appellant will be confirmed by the learned Court below within three months on



furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned 1st Additional Sessions Judge-cum-Special Judge, SC/ST, Nawada in connection with Special Case No. 22 of 2020 arising out of Nawada Town P.S. Case No. 133 of 2020.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

Accordingly, the appeal is allowed.

(Dinesh Kumar Singh, J)

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