

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL APPEAL (SJ) No.1919 of 2021**

Arising Out of PS. Case No.-94 Year-2020 Thana- JAMHOR District- Aurangabad

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Santosh Kumar Son of Munglal Singh Yadav Resident of Village Telpa Tole  
Miyabag, P.S. Karpi, District Arwal at Present resident of Village Jamhore,  
P.S. Jamhore, District - Aurangabad.

... .. Appellant/s

Versus

The State Of Bihar

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Shivam, Advocate  
For the Respondent/s : Mr. SPP

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**CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR**  
**ORAL ORDER**

4      24-08-2021                      Heard the parties in virtual Court proceeding.

This is an appeal under Section 14(A)(2) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 against the refusal of prayer for bail vide order dated 01.02.2021 passed by the learned 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge (S.C./S.T. Act), Aurangabad, in connection with Jamhore Police Station Case No.94 of 2020, registered under Sections 419/420/336/338/308/120B/34 of the Indian Penal Code, Sections 40/41 of the Clinical Establishment Act, 2012 and Section 3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Dr. Arun Kumar is a qualified MBBS doctor vide his



degree at Annexure-2. Dr. Arun Kumar entered into an agreement with the petitioner vide copy of the agreement attached with the supplementary affidavit for running the nursing home. In the said nursing home Orthopedic Surgery was done to the informant. Later on further complication developed and the doctor advised removal of one leg and one leg of the informant was removed. This may be a case of civil liability but in no circumstance criminal liability is made out for medical negligence committed by a qualified doctor.

Considering the facts aforesaid, let the appellant, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with the aforesaid case, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The appellant shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the appellant.

(c) The appellant shall not leave the country without permission of the trial Court.



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

**(Birendra Kumar, J)**

Mkr./-

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