

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1464 of 2020

Arising Out of PS. Case No.-69 Year-2020 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

SHIV SHANKAR Son of Nawal Kishore Sharma Resident of Mohalla
Magadh Colony, Road No. 2, Magadh College, Police Station- Magadh
Medical College, Gaya, District – Gaya. ... Appellant/s

Versus

The State of Bihar ... Respondent/s

Appearance :

For the Appellant/s : Ms.Ritika Rani, Advocate
For the Respondent/s : Ms. Asha Kumar, Spl. PP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 04-01-2021 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State.

The instant appeal has been filed by the appellant against the order dated 18.6.2020 passed by the learned Special Judge SC/ST, Gaya, whereby the prayer for bail of the appellant in connection with Magadh Medical College & Hospital P.S. Case no. 69 of 2020 registered under section 354A of the Indian Penal Code to which sections 376(D) and 511 of the Indian Penal Code and sections 3(2)(v) of the SC/ST (Prevention of Atrocities) Act were added, was rejected.

As per allegation in the FIR, it is stated by the informant that while her daughter-in-law was admitted in covid ward of the hospital, as per information given to her by her daughter-in-law, one of the compounders used to misbehave with her. She further communicated that he had done wrong with her after injecting her with a drug making her unconscious. The informant further states that she was not permitted to visit her daughter-in-law in the hospital. Her daughter-in-law was discharged on 1.4.2020 but died on 6.4.2020.



It is submitted by learned counsel for the appellant that the appellant has not been named in the FIR, but based on the description as a compounder, he was taken into custody on 16.4.2020. It is further submitted that while the alleged occurrence is stated to have taken place on 27.3.2020, although as per FIR itself, the alleged victim was discharged from the hospital on 1.4.2020, information was given to the police station only after her death on 8.4.2020. No postmortem examination of the victim was conducted. The appellant is in custody since 16.4.2020 and investigation in the case has concluded with submission of the charge sheet.

The appeal is opposed by learned Spl. P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the appellant together with the investigation in the case having concluded, the Court is inclined to allow the instant appeal. The appeal is allowed and the order dated 18.6.2020 impugned herein is set aside.

The appellant is directed to be enlarged on bail in connection with Magadh Medical College & Hospital P.S. Case no. 69 of 2020 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 Sessions Judge, SC/ST, Gaya.

(Partha Sarthy, J)

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