

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1871 of 2020

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

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1. Ranju Devi, W/o Jitendar Chaudhary, Resident of Postmortam Road, Shiv Nagar, P.S.- Nawada, District- Nawada
 2. Panchali Devi, W/o Pankaj Kumar, R/o village- Ohari, P.S.- Nawada (Kadirganj O.P.), District- Nawada

... .. Appellant/s

Versus

1. The State of Bihar
2. Sudhir Kumar Das, S/o Mauji Das R/O Dhamaul, P.S-Rajouli, Nawada.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Man Mohan Kumar, Advocate
For the O.P. No. 2	:	Mr. Ashok Kumar Sinha, Advocate
For the Respondent/s	:	Mr. APP.

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

4 09-04-2021 Heard the parties.

This is an appeal under Section 14(A) (2) of SC & ST (Prevention of Atrocities Amendment) Act, 2015 against the refusal of prayer for bail by order dated 19.09.2020 passed A.B.P. No. 955 of 2020 by learned 1st Additional Sessions Judge-cum-Special Judge SC/ST Act, Nawada in connection with Nawada Town P.S. Case No. 133 of 2020, registered under Sections 420, 323, 427, 504, 304, 120(B) of the Indian Penal Code and Section 3 (ii) (v) of the SC /ST Act.

Allegedly, at the instance of the accused persons, in spite of being referred by doctor of Sadar Hospital, Nawada to



M.M.C.H. Gaya, patient was taken to private nursing home, for better treatment and she where on surgery, the informant's Bhabhi gave birth to a child but in course of treatment, his Bhabhi died.

Learned counsel appearing for the appellants submitted that though the appellants are named in the first information report, on perusal of the fardbeyan, it would appear that they have been dragged by the informant due to death of patient. From plain reading of the fardbeyan, it would transpire that the role played by the appellants would not constitute any criminal offence under the Act. He further contended that the appellants were not in any way involved in taking the sister-in-law of the informant to Maa Ahilya Janch Ghar. He also contended that both the appellants are Asha workers having roots in the society and are not likely to abscond or tamper with the evidence. Lastly, he contended that the ingredients of the non-bailable offences are not at all attracted against the appellants and the entire allegations made against them in order to blackmail and extort money from them.

It has been further submitted on behalf of the appellants that they are innocent and have been falsely implicated in this case. During investigation nowhere it has



come that operation was performed by unqualified doctor. No such complaint was ever received against petitioner in past. Similarly placed co-accused has been granted bail by co-ordinate bench of this court vide order dated 17.03.2021 passed in Criminal Appeal (SJ) No. 1873 of 2020. The appellants are lady and have no criminal antecedent.

Considering the facts and circumstances of the case, the provisional anticipatory bail granted to appellants vide order dated 17.12.2020 is confirmed.

(S. Kumar, J)

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