

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3572 of 2021

Arising Out of PS. Case No.-60 Year-2021 Thana- FORBESGANJ District- Araria

1. DINKER YADAV Son of Mahendra Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
2. Dipak Yadav @ Dipesh Yadav Son of Mahendra Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
3. Niraj Yadav @ Neeraj Yadav Son of Jeewachh Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
4. Mithilesh Yadav @ Mithilesh Yadava Son of Jeewachh Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
5. Santosh Yadav son of Late Shyam Lal Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
6. Sushil Yadav Son of Late Shyam Lal Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
7. Umesh Yadav Son of Jeetan Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
8. Amarnath Yadav Son of Ashok Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.
9. Santosh Yadav Son of Yioganand Yadav Resident of Village - Mahesh Murhi, Ward no. -08, P.S. - Forbesganj, Dist. - Araria.

... .. Appellant/s

Versus

The State of Bihar

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Ramesh Kumar Singh, Advocate
For the Respondent/s	:	Ms Usha Kumari 1, Special PP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 04-10-2021

Heard learned counsel for the appellants as well as the learned Special Public Prosecutor (for brevity, *Special PP*) appearing for the State of Bihar.



2 The appellants have preferred the present Appeal under Section 14 A of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) (for brevity, *SC/ST Act*) against the refusal of their prayer for regular bail vide order dated 05.08.2021 passed by Additional Sessions Judge I -cum- Special Judge, Araria in a case registered under Sections 147, 188, 341, 448, 323, 325, 307, 379 427, 420 of Indian Penal Code, Sections 3/4 of Bihar Medical Service Protection Act and Sections 3 (i) (r) (s) of SC/ST Act in connection with Forbesganj Police Station (for brevity, *PS*) Case No 60 of 2021 dated 24.01.2021 corresponding to Special (SC/ST) Case No 7 of 2021.

3 The informant has alleged that one patient died in the Hospital. Thereafter, the attendants, including 16 named persons and 50 – 60 unknown, have ransacked the Hospital and indulged in assault.

4 Learned counsel for the appellants submits that the appellants are neither family members nor relative of the victim who died in the course of treatment. The informant, realizing his mistake, has filed a petition for compromise in the Court concerned against the instant appellants, copy of the same is Annexure 2 to the supplementary affidavit filed on behalf of the



appellants. It is further submitted that the appellants have clean antecedent and are in custody since 05.08.2021.

5 Learned Special PP has opposed the prayer for bail.

6 In my opinion, in view of nature of accusation in the First Information Report, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 05.08.2021 requires interference by this Court, which is, accordingly, set aside.

7 This appeal is allowed. The impugned order dated 05.08.2021 passed by Additional Sessions Judge I -cum- Special Judge, Araria in connection with Special (SC/ST) Case No 7 of 2021 arising out of Forbesganj PS Case No 60 of 2021 is set aside.

8 Let the appellants above named be released on bail on each of them furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge I -cum- Special Judge, Araria in connection with Special (SC/ST) Case No 7 of 2021 arising out of Forbesganj PS Case No 60 of 2021 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellants who will give an affidavit giving genealogy as to how he is related with the appellants. The bailor will also undertake to



inform the Court if there is any change in the address of the appellants.

(2) That the appellants will be well represented on each date and if they fail to do so on two consecutive dates, their bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.10.2021
Transmission Date	05.10.2021

