

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.373 of 2021**

Arising Out of PS. Case No.-145 Year-2019 Thana- BRAHMPUR District- Buxar

Akhilesh Kumar Mahto @ Dr. Akhilesh Kumar Mahto S/o Gopal Singh R/o
village- Patawalia, P.S.- Dhansoi, District- Buxar

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Praveen Kumar Agrawal
For the State	:	Ms. Usha Kumari Spl PP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT**

Date : 18-03-2021

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

2. Learned counsel for the appellant is expected to
honour his undertaking given in the instant case for depositing the
requisite court fee and to remove the defects as pointed out by
office when called upon to do so.

3. The appellant has preferred the present appeal under
Section 14 A (2) of the Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act, 1989 against the refusal of prayer
for regular bail vide order dated 07.09.2020, passed by learned
Additional Sessions Judge-1st-cum-Special Judge, Buxar, in
Brahampur PS Case No. 145 of 2019, SC/ST Case No. 31 of 2019
registered under Sections 420, 308, 384, 504 of the Indian Penal
Code, and Sections 3(1)(r)(s) of the SC/ST Act.

4. There is allegation that the appellant claiming to be a
doctor has allured the informant's wife on the pretext of
performing some surgery to treat certain medical conditions. The
surgery has led to death of the informant's wife.



5. The counsel for the appellant submits that it is out and out a false case. The appellant is not a doctor and in the investigation, no material has come to support the appellant's implication in this case.

6. The learned Spl. PP has opposed the prayer for bail. It is submitted that witnesses have supported the allegations. The inquest report and postmortem report corroborate the factum of surgery having been performed. The appellant has not placed on record any document to show that he was a qualified doctor and competent to perform surgery and, under such circumstances, he cannot escape his criminal liability arising out of the death of the informant's wife. The appellant is stated to be in custody since 23.08.2020.

7. Considering the facts and circumstances of the case, this Court is not inclined to grant bail to the appellant. Accordingly, the prayer for bail made on behalf of the appellant is dismissed.

(Madhuresh Prasad, J)

shyambihari/-

AFR/NAFR	NAFR
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