

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2187 of 2022

Arising Out of PS. Case No.-91 Year-2022 Thana- BARH District- Patna

1. Dr. Kumari Sulekha Sinha Daughter Of Ram Sharan Prasad R/O- Sinha Clinic, Mohalla- Dhaulatpur Chondi, P.S.- Barh, District- Patna
2. Dr. Kiran Kumari Wife Of Dr. Kumar Amrendra Choudhary R/O- Sinha Clinic, Mohalla- Dhaulatpur Chondi, P.S.- Barh, District- Patna

... .. Appellant/s

Versus

1. The State of Bihar
2. Kundan Kumar Son of Tarachand Paswan Resident of village-Masathu,P.S-Belchhi,District-Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr.Deovind Kumar Singh
For the Respondent/s	:	Mr.Binay Krishna

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 14-12-2022 Heard learned counsel for the appellants and

learned Special P.P for the State.

The appellants have challenged the order dated 30.05.2022 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Special Case No. 47 of 2022, arising out of Barh P.S. Case No. 91 of 2022 instituted for the offences punishable under Sections 304/34 of the Indian Penal Code and



Sections 3(1)(r)(s)3(2)(v) of the SC & ST (Prevention of Atrocities) Act, whereby their prayer for being released on anticipatory bail has been rejected.

It is alleged against the appellants that while the informant had taken his wife in a serious condition in the hospital of the appellants, they had not given treatment to her as the informant did not deposit the amount of Rs. 1,20,000/- as demanded by the Compounder of the appellants, as a result thereof, the wife of the informant died.

It is submitted by learned counsel for the appellants that appellants have falsely been implicated in this case. The appellants are having M.B.B.S from Government Institution and they are registered doctors having very long experience of treatment. The appellants themselves belong to Schedule Caste category, hence, the provisions under SC/ST Act would not be attracted in the case of the appellants. It is further submitted that after delivery, the wife of the



informant was referred by the Sub-Divisional Hospital, Barh to P.M.C.H for better treatment as the condition of the wife of the informant was very critical and she died due to severe bleeding. A statement has been made in para 3 of the petition that appellants have no criminal antecedent.

Taking into account the aforesaid facts, this Court deems it appropriate to set aside the order dated 30.05.2022 passed by learned Exclusive Special Court, SC/ST Act, Patna in connection with Special Case No. 47 of 2022, arising out of Barh P.S. Case No. 91 of 2022.

Accordingly, this appeal is allowed.

The appellants, above named, are directed to be released on bail in the event of their arrest or surrender within a period of four weeks from today and on their furnishing bail bonds of Rs. 10,000/-(ten thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special



Court, SC/ST Act, Patna in connection with Special
Case No. 47 of 2022, arising out of Barh P.S. Case
No. 91 of 2022.

(Sunil Kumar Panwar, J)

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