

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62785 of 2021

Arising Out of PS. Case No.-396 Year-2021 Thana- DHAKA District- East Champaran

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Lalu Singh @ Dev Prakash Singh, Son of Rajendra Singh, Resident of Village-Jhauwaram, Post-Karsahiya, P.S.-Dhaka, Jhauwa Ram, East Champaran-845418 (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Abhishek Singh, Advocate

For the Opposite Party/s : Mr.Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

3 14-02-2022 The applicant has moved for early hearing on the ground that he is a patient requiring treatment from the Hospital at Gorakhpur.

The applicant/accused in Crime No. 396 of 2021 registered with Dhaka Police Station for the offences punishable under Sections 147, 148, 149, 341, 323, 307, 353, 332, 333, 427, 504 and 506 of the Indian Penal Code, by this application is seeking his release on bail after filing of the charge sheet.

Heard the learned counsel appearing for the applicant/accused. He argued that though the charge sheet has been filed in respect of the offences mentioned in the FIR, the learned trial not has not taken cognizance so far as the offences



punishable under Sections 307 and 333 of the Indian Penal Code are concerned. He further argued that the applicant is a patient who is required to attend Gorakhpur for his medical treatment.

The learned Additional Public Prosecutor opposed the application by contending that the offence is serious in nature.

I have considered the submissions so advanced and also perused the materials placed before me.

The First Information Report in the instant case is lodged by Dr. Rahul, Medical Officer of Sub-Divisional Hospital, Dhaka in District East Champaran, Motihari. Prosecution case as reflected from the FIR is to the effect that at about 8.30 P.M. of 07.08.2021, a pregnant women from village Jhoraram came for delivery in the hospital. According to the First Information Report lodged by Dr. Rahul, at that time she was suffering from meconium. Considering her medical condition, first informant Dr. Rahul referred her to the Higher Center at Mothiar. However father-in-law of the pregnant women was insisting the Doctor to undertake delivery immediately by administering some injunction. Feeling aggrieved by reference of his daughter-in-law to the



Higher Centre, he called the present applicant. The present applicant came at that hospital accompanied by about 50 villagers who were armed with sticks and other weapons. The applicant then exhorted others to assault all employees present at the Sub-Divisional Hospital including the Doctor. Accordingly about 6 employees including female employees who were working as nursing metron were assaulted by the mob lead by the present applicant. The First Information Report shows that modesty of the female employees was outraged by the mob. All employees of the hospital then flee from the spot. The present applicant then threatened first informant Dr. Rahul to call all those employees for extending hospitality to him. He was insisting that chair should be arranged for him so also the water. First informant Dr. Rahul reported that because of frightened state of their mind the employees were not daring to return to the hospital for providing hospitality to the present applicant. The applicant then abused Dr. Rahul, assaulted him, threatened to kill him and wapped a scarp around his neck and thereby attempted to kill him. He then gave exhortation to his colleague and asked them to demolish all articles in the hospital. He uttered that after giving beating to the employees, the employees of the



hospital will arrange a chair and water for him. Dr. Rahul – the first informant stated that the present applicant has caused terror in the hospital.

Nature of offence and the manner in which the same is committed so also its effect on the society are prime consideration for grant of bail. Instances of brutal attacks on Doctors and Medical staffs working in all hospitals including the Government Hospital are very common now a days. The message which can go to the society by grant of bail to such offenders will certainly demoralise the medical staff taking care of the patients.

Considering the nature of offence alleged against the applicant and the FIR lodged by the responsible Medical Officer of the Sub-District Hospital of Dhaka which is endorsed of all injured employees, no case for grant of bail to the applicant/accused is made out. Accordingly, the application stands rejected.

The State is directed to provide all medical treatment to the applicant while he is in jail as an undertrial prisoner.

The learned trial Court is directed to expedite the trial and to report this Court the steps taken by it to expedite



the trial and to get it concluded within a period of six months from today. The trial court is expected to show sensitiveness in such matter.

Registry to communicate this order to the learned trial court for compliance.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Bhardwaj/-

(A. M. Badar, J)

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