

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.1084 of 2023**

Arising Out of PS. Case No.-250 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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VIBHA DEVI W/O Bipin Sah R/O Village- Jinadpur, P.S- Muffasil, District-
Begusarai

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Arjun Prasad, Advocate

For the Respondent/s : Mr.Ramchandra Singh, Spl.PP

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**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

6 22-09-2023 Heard learned counsel for the appellant, learned
counsel for the informant and learned Spl.P.P. for the State.

2. This is an appeal under Section 14(A)(ii) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 2016 (hereinafter referred to as the “SC/ST Act”) against the refusal of prayer for regular bail vide order dated 02.02.2023 passed by the learned Exclusive Special Judge SC/ST (POA)Act, Begusarai in Cheriya Bariyarpur P.S. Case No.250 of 2022 and G.R.No.86 of 2022, F.I.R. dated 24.09.2022 registered under Sections 304/120(B)/34 of the Indian Penal Code and Section 3(1)(r) (s)/3(2)(va) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.

3. Allegation against the appellant is that she alongwith others conducted deliberately the operation without



consent of the informant and her family members due to which fetus and mother had died.

4. Learned counsel for the appellant submits that the appellant has clean antecedent and she has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that the appellant has not committed anything wrong. Appellant is only co-worker (Nurse) of the Hospital in question and she has not conducted the operation of the deceased who is daughter-in-law of the informant and without receiving the consent paper from the family members of the deceased, they had operated the deceased and she has died during the operation and the police, after investigation, submitted chargesheet against the appellant and the appellant is in custody since 12.01.2023.

5. Learned counsel for the informant and learned Spl. P.P. for the State, on the other hand, have vehemently opposed the prayer for bail of the appellant and submits that there is sufficient material has come during investigation against the appellant to suggest the involvement of the appellant in the present occurrence and appellant alongwith other co-accused persons have conducted the delivery operation without consent paper of the family members of the deceased and it has also



come during investigation that the appellant has operated the deceased and she is not a competent person to operate the deceased/patient.

6. Considering the aforesaid facts, I am not inclined to enlarge the appellant on bail in connection with Cheriya Bariyarpur P.S. Case No.250 of 2022 and G.R.No.86 of 2022 pending in the court of learned Exclusive Special Judge SC/ST (POA)Act, Begusarai.

7. Prayer is refused.

8. Accordingly, the impugned order is affirmed and this appeal stands dismissed.

(Rajesh Kumar Verma, J)

Nitesh/-

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